

Budget opt-in permit is effective. The NO_x authorized account representative shall ensure that the NO_x Budget opt-in source's compliance account or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in source is located includes the NO_x allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient NO_x allowances, the Administrator will deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

(ii) After the deduction under paragraph (b)(2)(i) of this section is completed, the Administrator will close the NO_x Budget opt-in source's compliance account. If any NO_x allowances remain in the compliance account after completion of such deduction and any deduction under §96.54, the Administrator will close the NO_x Budget opt-in source's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO_x Budget opt-in source. The NO_x authorized account representative for the NO_x Budget opt-in source shall become the NO_x authorized account representative for the general account.

§96.88 NO_x allowance allocations to opt-in units.

(a) *NO_x allowance allocation.* (1) By December 31 immediately before the first control period for which the NO_x Budget opt-in permit is effective, the permitting authority will allocate NO_x allowances to the NO_x Budget opt-in source and submit to the Administrator the allocation for the control period in accordance with paragraph (b) of this section.

(2) By no later than December 31, after the first control period for which the NO_x Budget opt-in permit is in effect, and December 31 of each year thereafter, the permitting authority will allocate NO_x allowances to the NO_x Budget opt-in source, and submit to the Administrator allocations for the next control period, in accordance with paragraph (b) of this section.

(b) For each control period for which the NO_x Budget opt-in source has an

approved NO_x Budget opt-in permit, the NO_x Budget opt-in source will be allocated NO_x allowances in accordance with the following procedures:

(1) The heat input (in mmBtu) used for calculating NO_x allowance allocations will be the lesser of:

(i) The NO_x Budget opt-in source's baseline heat input determined pursuant to §96.84(c); or

(ii) The NO_x Budget opt-in source's heat input, as determined in accordance with subpart H of this part, for the control period in the year prior to the year of the control period for which the NO_x allocations are being calculated.

(2) The permitting authority will allocate NO_x allowances to the NO_x Budget opt-in source in an amount equaling the heat input (in mmBtu) determined under paragraph (b)(1) of this section multiplied by the lesser of:

(i) The NO_x Budget opt-in source's baseline NO_x emissions rate (in lb/mmBtu) determined pursuant to §96.84(c); or

(ii) The most stringent State or Federal NO_x emissions limitation applicable to the NO_x Budget opt-in source during the control period.

Subpart J—Mobile and Area Sources [Reserved]

PART 97—FEDERAL NO_x BUDGET TRADING PROGRAM

Subpart A—NO_x Budget Trading Program General Provisions

Sec.

97.1 Purpose.

97.2 Definitions.

97.3 Measurements, abbreviations, and acronyms.

97.4 Applicability.

97.5 Retired unit exemption.

97.6 Standard requirements.

97.7 Computation of time.

Subpart B—NO_x Authorized Account Representative for NO_x Budget Sources

97.10 Authorization and responsibilities of NO_x authorized account representative.

97.11 Alternate NO_x authorized account representative.

97.12 Changing NO_x authorized account representative and alternate NO_x authorized

§ 97.1

40 CFR Ch. I (7–1–02 Edition)

- account representative; changes in owners and operators.
- 97.13 Account certificate of representation.
- 97.14 Objections concerning NO_x authorized account representative.

Subpart C—Permits

- 97.20 General NO_x Budget Trading Program permit requirements.
- 97.21 Submission of NO_x Budget permit applications.
- 97.22 Information requirements for NO_x Budget permit applications.
- 97.23 NO_x Budget permit contents.
- 97.24 NO_x Budget permit revisions.

Subpart D—Compliance Certification

- 97.30 Compliance certification report.
- 97.31 Administrator's action on compliance certifications.

Subpart E—NO_x Allowance Allocations

- 97.40 Trading program budget.
- 97.41 Timing requirements for NO_x allowance allocations.
- 97.42 NO_x allowance allocations.
- 97.43 Compliance supplement pool.

Subpart F—NO_x Allowance Tracking System

- 97.50 NO_x Allowance Tracking System accounts.
- 97.51 Establishment of accounts.
- 97.52 NO_x Allowance Tracking System responsibilities of NO_x authorized account representative.
- 97.53 Recordation of NO_x allowance allocations.
- 97.54 Compliance.
- 97.55 Banking.
- 97.56 Account error.
- 97.57 Closing of general accounts.

Subpart G—NO_x Allowance Transfers

- 97.60 Submission of NO_x allowance transfers.
- 97.61 EPA recordation.
- 97.62 Notification.

Subpart H—Monitoring and Reporting

- 97.70 General requirements.
- 97.71 Initial certification and recertification procedures.
- 97.72 Out of control periods.
- 97.73 Notifications.
- 97.74 Recordkeeping and reporting.
- 97.75 Petitions.
- 97.76 Additional requirements to provide heat input data.

Subpart I—Individual Unit Opt-ins

- 97.80 Applicability.

- 97.81 General.
- 97.82 NO_x authorized account representative.
- 97.83 Applying for NO_x Budget opt-in permit.
- 97.84 Opt-in process.
- 97.85 NO_x Budget opt-in permit contents.
- 97.86 Withdrawal from NO_x Budget Trading Program.
- 97.87 Change in regulatory status.
- 97.88 NO_x allowance allocations to opt-in units.

APPENDIX A TO PART 97—FINAL SECTION 126 RULE: EGU ALLOCATIONS, 2003–2007

APPENDIX B TO PART 97—FINAL SECTION 126 RULE: NON-EGU ALLOCATIONS, 2003–2007

APPENDIX C TO PART 97—FINAL SECTION 126 RULE: TRADING BUDGET, 2003–2007

APPENDIX D TO PART 97—FINAL SECTION 126 RULE: STATE COMPLIANCE SUPPLEMENT POOLS FOR THE SECTION 126 FINAL RULE (TONS)

AUTHORITY: 42 U.S.C. 7401, 7403, 7426, and 7601.

SOURCE: 65 FR 2727, Jan. 18, 2000, unless otherwise noted.

Subpart A—NO_x Budget Trading Program General Provisions

§ 97.1 Purpose.

This part establishes general provisions and the applicability, permitting, allowance, excess emissions, monitoring, and opt-in provisions for the federal NO_x Budget Trading Program, under section 126 of the CAA and § 52.34 of this chapter, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

§ 97.2 Definitions.

The terms used in this part shall have the meanings set forth in this section as follows:

Account number means the identification number given by the Administrator to each NO_x Allowance Tracking System account.

Acid Rain emissions limitation means, as defined in § 72.2 of this chapter, a limitation on emissions of sulfur dioxide or nitrogen oxides under the Acid Rain Program under title IV of the Clean Air Act.

Administrator means the Administrator of the United States Environmental Protection Agency or the Administrator's duly authorized representative.

Environmental Protection Agency

§ 97.2

Allocate or allocation means, with regard to NO_x allowances, the determination by the Administrator of the number of NO_x allowances to be initially credited to a NO_x Budget unit or an allocation set-aside.

Automated data acquisition and handling system or DAHS means that component of the CEMS, or other emissions monitoring system approved for use under subpart H of this part, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by subpart H of this part.

Boiler means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

Clean Air Act means the Clean Air Act, 42 U.S.C. 7401 et seq.

Combined cycle system means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

Combustion turbine means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

Commence commercial operation means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Except as provided in § 97.4(b), § 97.5, or subpart I of this part, for a unit that is a NO_x Budget unit under § 97.4(a) on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in § 97.4(b), § 97.5, or subpart I of this part, for a unit that is not a NO_x Budget unit under § 97.4(a) on the date the unit commences commercial operation, the

date the unit becomes a NO_x Budget unit under § 97.4(a) shall be the unit's date of commencement of commercial operation.

Commence operation means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber. Except as provided in § 97.4(b), § 97.5, or subpart I of this part for a unit that is a NO_x Budget unit under § 97.4(a) on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in § 97.4(b), § 97.5, or subpart I of this part, for a unit that is not a NO_x Budget unit under § 97.4(a) on the date of commencement of operation, the date the unit becomes a NO_x Budget unit under § 97.4(a) shall be the unit's date of commencement of operation.

Common stack means a single flue through which emissions from two or more units are exhausted.

Compliance account means a NO_x Allowance Tracking System account, established by the Administrator for a NO_x Budget unit under subpart F of this part, in which the NO_x allowance allocations for the unit are initially recorded and in which are held NO_x allowances available for use by the unit for a control period for the purpose of meeting the unit's NO_x Budget emissions limitation.

Continuous emission monitoring system or CEMS means the equipment required under subpart H of this part to sample, analyze, measure, and provide, by readings taken at least once every 15 minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, to the extent consistent with subpart H of this part and part 75 of this chapter, in a continuous emission monitoring system:

- (1) Flow monitor;
- (2) Nitrogen oxides pollutant concentration monitors;
- (3) Diluent gas monitor (oxygen or carbon dioxide);
- (4) A continuous moisture monitor; and

(5) An automated data acquisition and handling system.

Control period means the period beginning May 1 of a year and ending on September 30 of the same year, inclusive.

Electricity for sale under firm contract to the grid means electricity for sale where the capacity involved is intended to be available at all times during the period covered by a guaranteed commitment to deliver, even under adverse conditions.

Emissions means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the Administrator by the NO_x authorized account representative and as determined by the Administrator in accordance with subpart H of this part.

Energy Information Administration means the Energy Information Administration of the United States Department of Energy.

Excess emissions means any tonnage of nitrogen oxides emitted by a NO_x Budget unit during a control period that exceeds the NO_x Budget emissions limitation for the unit.

Fossil fuel means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

Fossil fuel fired means, with regard to a unit:

(1) For units that commenced operation before January 1, 1996, the combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than 50 percent of the annual heat input on a Btu basis during 1995, or, if a unit had no heat input in 1995, during the last year of operation of the unit prior to 1995;

(2) For units that commenced operation on or after January 1, 1996 and before January 1, 1997, the combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than 50 percent of the annual heat input on a Btu basis during 1996; or

(3) For units that commence operation on or after January 1, 1997:

(i) The combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually com-

busted comprises more than 50 percent of the annual heat input on a Btu basis during any year; or

(ii) The combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50 percent of the annual heat input on a Btu basis during any year, provided that the unit shall be “fossil fuel-fired” as of the date, during such year, on which the unit begins combusting fossil fuel.

General account means a NO_x Allowance Tracking System account, established under subpart F of this part, that is not a compliance account or an overdraft account.

Generator means a device that produces electricity.

Heat input means, with regard to a specified period to time, the product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) divided by 1,000,000 Btu/mmBtu and multiplied by the fuel feed rate into a combustion device (in lb of fuel/time), as measured, recorded, and reported to the Administrator by the NO_x authorized account representative and as determined by the Administrator in accordance with subpart H of this part. Heat input does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

Heat input rate means the amount of heat input (in mmBtu) divided by unit operating time (in hr) or, with regard to a specific fuel, the amount of heat input attributed to the fuel (in mmBtu) divided by the unit operating time (in hr) during which the unit combusts the fuel.

Life-of-the-unit, firm power contractual arrangement means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract:

(1) For the life of the unit;

(2) For a cumulative term of no less than 30 years, including contracts that permit an election for early termination; or

(3) For a period equal to or greater than 25 years or 70 percent of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

Maximum design heat input means the ability of a unit to combust a stated maximum amount of fuel per hour (in mmBtu/hr) on a steady state basis, as determined by the physical design and physical characteristics of the unit.

Maximum potential hourly heat input means an hourly heat input (in mmBtu/hr) used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use appendix D of part 75 of this chapter to report heat input, this value should be calculated, in accordance with part 75 of this chapter, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value should be reported, in accordance with part 75 of this chapter, using the maximum potential flowrate and either the maximum carbon dioxide concentration (in percent CO₂) or the minimum oxygen concentration (in percent O₂).

Maximum potential NO_x emission rate means the emission rate of nitrogen oxides (in lb/mmBtu) calculated in accordance with section 3 of appendix F of part 75 of this chapter, using the maximum potential concentration of NO_x under section 2 of appendix A of part 75 of this chapter, and either the maximum oxygen concentration (in percent O₂) or the minimum carbon dioxide concentration (in percent CO₂), under all operating conditions of the unit except for unit start up, shutdown, and upsets.

Maximum rated hourly heat input means a unit specific maximum hourly heat input (in mmBtu/hr) which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

Monitoring system means any monitoring system that meets the requirements of subpart H of this part, including a continuous emissions monitoring system, an excepted monitoring sys-

tem, or an alternative monitoring system.

Most stringent State or Federal NO_x emissions limitation means, with regard to a NO_x Budget opt-in unit, the lowest NO_x emissions limitation (in lb/mmBtu) that is applicable to the unit under State or Federal law, regardless of the averaging period to which the emissions limitation applies.

Nameplate capacity means the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

Non-title V permit means a federally enforceable permit administered by the permitting authority pursuant to the Clean Air Act and regulatory authority under the Clean Air Act, other than title V of the Clean Air Act and part 70 or 71 of this chapter.

NO_x allowance means a limited authorization by the Administrator under the NO_x Budget Trading Program to emit up to one ton of nitrogen oxides during the control period of the specified year or of any year thereafter, except as provided under § 97.54(f). No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under § 97.4(b) or § 97.5 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization, which does not constitute a property right. For purposes of all sections of this part except § 97.41, § 97.42, § 97.43, or § 97.88, "NO_x allowance" also includes an authorization to emit up to one ton of nitrogen oxides during the control period of the specified year or of any year thereafter by the permitting authority or the Administrator in accordance with a State NO_x Budget Trading Program established, and approved and administered by the Administrator, pursuant to § 51.121 of this chapter.

NO_x allowance deduction or deduct NO_x allowances means the permanent withdrawal of NO_x allowances by the Administrator from a NO_x Allowance Tracking System compliance account or overdraft account to account for the

number of tons of NO_x emissions from a NO_x Budget unit for a control period, determined in accordance with subparts H and F of this part, or for any other NO_x allowance withdrawal requirement under this part.

NO_x Allowance Tracking System means the system by which the Administrator records allocations, deductions, and transfers of NO_x allowances under the NO_x Budget Trading Program.

NO_x Allowance Tracking System account means an account in the NO_x Allowance Tracking System established by the Administrator for purposes of recording the allocation, holding, transferring, or deducting of NO_x allowances.

NO_x allowance transfer deadline means midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO_x allowances must be submitted for recordation in a NO_x Budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO_x Budget emissions limitation for the control period immediately preceding such deadline.

NO_x allowances held or hold NO_x allowances means the NO_x allowances recorded by the Administrator, or submitted to the Administrator for recordation, in accordance with subparts F and G of this part, in a NO_x Allowance Tracking System account.

NO_x authorized account representative means, for a NO_x Budget source or NO_x Budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NO_x Budget units at the source, in accordance with subpart B of this part, to represent and legally bind each owner and operator in matters pertaining to the NO_x Budget Trading Program or, for a general account, the natural person who is authorized, in accordance with subpart F of this part, to transfer or otherwise dispose of NO_x allowances held in the general account.

NO_x Budget emissions limitation means, for a NO_x Budget unit, the tonnage equivalent of the NO_x allowances available for compliance deduction for the unit under § 97.54(a), (b), (e), and (f) in a control period adjusted by deductions

of such NO_x allowances to account for actual heat input under § 97.42(e) for the control period or to account for excess emissions for a prior control period under § 97.54(d) or to account for withdrawal from the NO_x Budget Trading Program, or for a change in regulatory status, of a NO_x Budget opt-in unit under § 97.86 or § 97.87.

NO_x Budget opt-in permit means a NO_x Budget permit covering a NO_x Budget opt-in unit.

NO_x Budget opt-in unit means a unit that has been elected to become a NO_x Budget unit under the NO_x Budget Trading Program and whose NO_x Budget opt-in permit has been issued and is in effect under subpart I of this part.

NO_x Budget permit means the legally binding and federally enforceable written document, or portion of such document, issued by the permitting authority under this part, including any permit revisions, specifying the NO_x Budget Trading Program requirements applicable to a NO_x Budget source, to each NO_x Budget unit at the NO_x Budget source, and to the owners and operators and the NO_x authorized account representative of the NO_x Budget source and each NO_x Budget unit.

NO_x Budget source means a source that includes one or more NO_x Budget units.

NO_x Budget Trading Program means a multistate nitrogen oxides air pollution control and emission reduction program established by the Administrator in accordance with this part and pursuant to § 52.34 of this chapter, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

NO_x Budget unit means a unit that is subject to the NO_x Budget Trading Program emissions limitation under § 97.4(a) or § 97.80.

Operating means, with regard to a unit under §§ 97.22(d)(2) and 97.80, having documented heat input for more than 876 hours in the 6 months immediately preceding the submission of an application for an initial NO_x Budget permit under § 97.83(a). The unit's documented heat input will be determined in accordance with part 75 of this chapter if the unit was otherwise subject to the requirements of part 75 of this chapter during that 6-month period or

will be based on the best available data reported to the Administrator for the unit if the unit was not otherwise subject to the requirements of part 75 of this chapter during that 6-month period.

Operator means any person who operates, controls, or supervises a NO_x Budget unit, a NO_x Budget source, or a unit for which an application for a NO_x Budget opt-in permit under §97.83 is submitted and not denied or withdrawn and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.

Opt-in means to be elected to become a NO_x Budget unit under the NO_x Budget Trading Program through a final, effective NO_x Budget opt-in permit under subpart I of this part.

Overdraft account means the NO_x Allowance Tracking System account, established by the Administrator under subpart F of this part, for each NO_x Budget source where there are two or more NO_x Budget units.

Owner means any of the following persons:

(1) Any holder of any portion of the legal or equitable title in a NO_x Budget unit or in a unit for which an application for a NO_x Budget opt-in permit under §97.83 is submitted and not denied or withdrawn; or

(2) Any holder of a leasehold interest in a NO_x Budget unit or in a unit for which an application for a NO_x Budget opt-in permit under §97.83 is submitted and not denied or withdrawn; or

(3) Any purchaser of power from a NO_x Budget unit or from a unit for which an application for a NO_x Budget opt-in permit under §97.83 is submitted and not denied or withdrawn under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO_x Budget unit or the unit for which an application for a NO_x Budget opt-in permit under §97.83 is submitted and not denied or withdrawn; or

(4) With respect to any general account, any person who has an ownership interest with respect to the NO_x allowances held in the general account and who is subject to the binding agreement for the NO_x authorized account representative to represent that person's ownership interest with respect to NO_x allowances.

Percent monitor data availability means, for purposes of §97.43 (a)(1) and §97.84(b), total unit operating hours for which quality-assured data were recorded under subpart H of this part in a control period, divided by 3,672 hours per control period, and multiplied by 100%.

Permitting authority means the State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to issue or revise permits to meet the requirements of the NO_x Budget Trading Program in accordance with subpart C of this part.

Potential electrical output capacity means 33 percent of a unit's maximum design heat input.

Receive or receipt of means, when referring to the permitting authority or the Administrator, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the permitting authority or the Administrator in the regular course of business.

Recordation, record, or recorded means, with regard to NO_x allowances, the movement of NO_x allowances by the Administrator from one NO_x Allowance Tracking System account to another, for purposes of allocation, transfer, or deduction.

Reference method means any direct test method of sampling and analyzing for an air pollutant as specified in appendix A of part 60 of this chapter.

Serial number means, when referring to NO_x allowances, the unique identification number assigned to each NO_x allowance by the Administrator, under §97.53(c).

Source means any governmental, institutional, commercial, or industrial structure, installation, plant, building,

§ 97.3

40 CFR Ch. I (7–1–02 Edition)

or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act. For purposes of section 502(c) of the Clean Air Act, a “source,” including a “source” with multiple units, shall be considered a single “facility.”

State means one of the 48 contiguous States or a portion thereof or the District of Columbia that is specified in § 52.34 of this chapter and in which are located units for which the Administrator makes an effective finding under § 52.34 of this chapter.

Submit or *serve* means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

- (1) In person;
- (2) By United States Postal Service; or
- (3) By other means of dispatch or transmission and delivery. Compliance with any “submission,” “service,” or “mailing” deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

Title V operating permit means a permit issued under title V of the Clean Air Act and part 70 or part 71 of this chapter.

Title V operating permit regulations means the regulations that the Administrator has approved or issued as meeting the requirements of title V of the Clean Air Act and part 70 or 71 of this chapter.

Ton or *tonnage* means any “short ton” (i.e., 2,000 pounds). For the purpose of determining compliance with the NO_x Budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with subpart H of this part, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one ton and any fraction of a ton less than 0.50 ton deemed to equal zero tons.

Unit means a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.

Unit operating day means a calendar day in which a unit combusts any fuel.

Unit operating hour or *hour of unit operation* means any hour (or fraction of

an hour) during which a unit combusts any fuel.

§ 97.3 Measurements, abbreviations, and acronyms.

Measurements, abbreviations, and acronyms used in this part are defined as follows:

Btu-British thermal unit.

CO₂-carbon dioxide.

hr-hour.

kW-kilowatt electrical.

kWh-kilowatt hour.

lb-pounds.

mmBtu-million Btu.

MWe-megawatt electrical.

NO_x-nitrogen oxides.

O₂-oxygen.

ton-2000 pounds.

§ 97.4 Applicability.

(a) The following units in a State (as defined in § 97.2) shall be NO_x Budget units, and any source that includes one or more such units shall be a NO_x Budget source, subject to the requirements of this part:

(1)(i) For units that commenced operation before January 1, 1997, a unit serving during 1995 or 1996 a generator that had a nameplate capacity greater than 25 MWe and produced electricity for sale under a firm contract to the electric grid.

(ii) For units that commenced operation on or after January 1, 1997 and before January 1, 1999, a unit serving during 1997 or 1998 a generator that had a nameplate capacity greater than 25 MWe and produced electricity for sale under a firm contract to the electric grid.

(iii) For units that commence operation on or after January 1, 1999, a unit serving at any time a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.

(2)(i) For units that commenced operation before January 1, 1997, a unit that has a maximum design heat input greater than 250 mmBtu/hr and that did not serve during 1995 or 1996 a generator producing electricity for sale under a firm contract to the electric grid.

(ii) For units that commenced operation on or after January 1, 1997 and before January 1, 1999, a unit that has a maximum design heat input greater

than 250 mmBtu/hr and that did not serve during 1997 or 1998 a generator producing electricity for sale under a firm contract to the electric grid.

(iii) For units that commence operation on or after January 1, 1999, a unit with a maximum design heat input greater than 250 mmBtu/hr that:

(A) At no time serves a generator producing electricity for sale; or

(B) At any time serves a generator producing electricity for sale, if any such generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than 50 percent of the potential electrical output capacity of the unit.

(b)(1) Notwithstanding paragraph (a) of this section, a unit under paragraph (a)(1) or (a)(2) of this section that has a federally enforceable permit that includes a NO_x emission limitation restricting NO_x emissions during a control period to 25 tons or less and that includes the special provisions in paragraph (b)(4) of this section shall be exempt from the requirements of the NO_x Budget Trading Program, except for the provisions of this paragraph (b), § 97.2, § 97.3, § 97.4(a), § 97.7, and subparts E, F, and G of this part. The NO_x emission limitation under this paragraph (b)(1) shall restrict NO_x emissions during the control period by limiting unit operating hours. The restriction on unit operating hours shall be calculated by dividing 25 tons by the unit's maximum potential hourly NO_x mass emissions, which shall equal the unit's maximum rated hourly heat input multiplied by the highest default NO_x emission rate otherwise applicable to the unit under § 75.19 of this chapter.

(2) The exemption under paragraph (b)(1) of this section shall become effective as follows:

(i) The exemption shall become effective on the date on which the NO_x emission limitation and the special provisions in the permit under paragraph (b)(1) of this section become final; or

(ii) If the NO_x emission limitation and the special provisions in the permit under paragraph (b)(1) of this section become final during a control period and after the first date on which the unit operates during such control period, then the exemption shall be-

come effective on May 1 of such control period, provided that such NO_x emission limitation and the special provisions apply to the unit as of such first date of operation. If such NO_x emission limitation and special provisions do not apply to the unit as of such first date of operation, then the exemption under paragraph (b)(1) of this section shall become effective on October 1 of the year during which such NO_x emission limitation and the special provisions become final.

(3) The permitting authority that issues a federally enforceable permit under paragraph (b)(1) of this section for a unit under paragraph (a)(1) or (a)(2) of this section will provide the Administrator written notice of the issuance of such permit and, upon request, a copy of the permit.

(4) *Special provisions.* (i) A unit exempt under paragraph (b)(1) of this section shall comply with the restriction on unit operating hours described in paragraph (b)(1) of this section during the control period in each year.

(ii) The Administrator will allocate NO_x allowances to the unit under §§ 97.41(a) through (c) and 97.42(a) through (c). For each control period for which the unit is allocated NO_x allowances under §§ 97.41(a) through (c) and 97.42(a) through (c):

(A) The owners and operators of the unit must specify a general account, in which the Administrator will record the NO_x allowances; and

(B) After the Administrator records a NO_x allowance allocations under §§ 97.41(a) through (c) and 97.42(a) through (c), the Administrator will deduct, from the general account under paragraph (b)(4)(ii)(A) of this section, NO_x allowances that are allocated for the same or a prior control period as the NO_x allowances allocated to the unit under §§ 97.41(a) through (c) and 97.42(a) through (c) and that equal the NO_x emission limitation (in tons of NO_x) on which the unit's exemption under paragraph (b)(1) of this section is based. The NO_x authorized account representative shall ensure that such general account contains the NO_x allowances necessary for completion of such deduction.

§ 97.5

40 CFR Ch. I (7–1–02 Edition)

(iii) A unit exempt under this paragraph (b) shall report hours of unit operation during the control period in each year to the permitting authority by November 1 of that year.

(iv) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under paragraph (b)(1) of this section shall retain, at the source that includes the unit, records demonstrating that the conditions of the federally enforceable permit under paragraph (b)(1) of this section were met, including the restriction on unit operating hours. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the permitting authority or the Administrator. The owners and operators bear the burden of proof that the unit met the restriction on unit operating hours.

(v) The owners and operators and, to the extent applicable, the NO_x authorized account representative of a unit exempt under paragraph (b)(1) of this section shall comply with the requirements of the NO_x Budget Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(vi) On the earlier of the following dates, a unit exempt under paragraph (b)(1) of this section shall lose its exemption:

(A) The date on which the restriction on unit operating hours described in paragraph (b)(1) of this section is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable to any control period starting in 2004; or

(B) The first date on which the unit fails to comply, or with regard to which the owners and operators fail to meet their burden of proving that the unit is complying, with the restriction on unit operating hours described in paragraph (b)(1) of this section during any control period starting in 2004.

(vii) A unit that loses its exemption in accordance with paragraph (b)(4)(vi) of this section shall be subject to the requirements of this part. For the purpose of applying permitting requirements under subpart C of this part, al-

locating allowances under subpart E of this part, and applying monitoring requirements under subpart H of this part, the unit shall be treated as commencing operation and, if the unit is covered by paragraph (a)(1) of this section, commencing commercial operation on the date the unit loses its exemption.

(viii) A unit that is exempt under paragraph (b)(1) of this section is not eligible to be a NO_x Budget opt-in unit under subpart I of this part.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

§ 97.5 Retired unit exemption.

(a) This section applies to any NO_x Budget unit, other than a NO_x Budget opt-in unit, that is permanently retired.

(b)(1) Any NO_x Budget unit, other than a NO_x Budget opt-in unit, that is permanently retired shall be exempt from the NO_x Budget Trading Program, except for the provisions of this section, § 97.2, § 97.3, § 97.4, § 97.7, and subparts E, F, and G of this part.

(2) The exemption under paragraph (b)(1) of this section shall become effective the day on which the unit is permanently retired. Within 30 days of permanent retirement, the NO_x authorized account representative (authorized in accordance with subpart B of this part) shall submit a statement to the permitting authority otherwise responsible for administering any NO_x Budget permit for the unit. The NO_x authorized account representative shall submit a copy of the statement to the Administrator. The statement shall state, in a format prescribed by the permitting authority, that the unit is permanently retired and will comply with the requirements of paragraph (c) of this section.

(3) After receipt of the notice under paragraph (b)(2) of this section, the permitting authority will amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under paragraphs (b)(1) and (c) of this section.

(c) *Special provisions.* (1) A unit exempt under this section shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.

(2) The Administrator will allocate NO_x allowances under subpart E of this part to a unit exempt under this section. For each control period for which the unit is allocated one or more NO_x allowances, the owners and operators of the unit shall specify a general account, in which the Administrator will record such NO_x allowances.

(3) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under this section shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the permitting authority or the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(4) The owners and operators and, to the extent applicable, the NO_x authorized account representative of a unit exempt under this section shall comply with the requirements of the NO_x Budget Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(5)(i) A unit exempt under this section and located at a source that is required, or but for this exemption would be required, to have a title V operating permit shall not resume operation unless the NO_x authorized account representative of the source submits a complete NO_x Budget permit application under § 97.22 for the unit not less than 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on which the unit resumes operation.

(ii) A unit exempt under this section and located at a source that is required, or but for this exemption would be required, to have a non-title V permit shall not resume operation unless the NO_x authorized account representative of the source submits a complete NO_x Budget permit application under § 97.22 for the unit not less than 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on

which the unit is to first resume operation.

(6) On the earlier of the following dates, a unit exempt under paragraph (b) of this section shall lose its exemption:

(i) The date on which the NO_x authorized account representative submits a NO_x Budget permit application under paragraph (c)(5) of this section; or

(ii) The date on which the NO_x authorized account representative is required under paragraph (c)(5) of this section to submit a NO_x Budget permit application.

(7) For the purpose of applying monitoring requirements under subpart H of this part, a unit that loses its exemption under this section shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation.

(8) A unit that is exempt under this section is not eligible to be a NO_x Budget opt-in unit under subpart I of this part.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

§ 97.6 Standard requirements.

(a) *Permit requirements.* (1) The NO_x authorized account representative of each NO_x Budget source required to have a federally enforceable permit and each NO_x Budget unit required to have a federally enforceable permit at the source shall:

(i) Submit to the permitting authority a complete NO_x Budget permit application under § 97.22 in accordance with the deadlines specified in § 97.21(b) and (c);

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a NO_x Budget permit application and issue or deny a NO_x Budget permit.

(2) The owners and operators of each NO_x Budget source required to have a federally enforceable permit and each NO_x Budget unit required to have a federally enforceable permit at the source shall have a NO_x Budget permit issued by the permitting authority and operate the unit in compliance with such NO_x Budget permit.

(3) The owners and operators of a NO_x Budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NO_x Budget permit application, and to have a NO_x Budget permit, under subpart C of this part for such NO_x Budget source.

(b) *Monitoring requirements.* (1) The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of subpart H of this part.

(2) The emissions measurements recorded and reported in accordance with subpart H of this part shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under paragraph (c) of this section.

(c) *Nitrogen oxides requirements.* (1) The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under § 97.54(a), (b), (e), or (f) as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with subpart H of this part, plus any amount necessary to account for actual heat input under § 97.42(e) for the control period or to account for excess emissions for a prior control period under § 97.54(d) or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under § 97.86 or § 97.87.

(2) Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of this part, the Clean Air Act, and applicable State law.

(3) A NO_x Budget unit shall be subject to the requirements under paragraph (c)(1) of this section starting on the later of May 31, 2004 or the date on which the unit commences operation.

(4) NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with subparts E, F, G, and I of this part.

(5) A NO_x allowance shall not be deducted, in order to comply with the requirements under paragraph (c)(1) of this section, for a control period in a year prior to the year for which the NO_x allowance was allocated.

(6) A NO_x allowance allocated by the Administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under § 97.4(b) or § 97.5 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) A NO_x allowance allocated by the Administrator under the NO_x Budget Trading Program does not constitute a property right.

(8) Upon recordation by the Administrator under subpart F or G of this part, every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is incorporated automatically in any NO_x Budget permit of the NO_x Budget unit.

(d) *Excess emissions requirements.* (1) The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:

(i) Surrender the NO_x allowances required for deduction under § 97.54(d)(1); and

(ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under § 97.54(d)(3).

(e) *Recordkeeping and reporting requirements.* (1) Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The account certificate of representation under § 97.13 for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that

demonstrate the truth of the statements in the account certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation under § 97.13 changing the NO_x authorized account representative.

(ii) All emissions monitoring information, in accordance with subpart H of this part; provided that to the extent that subpart H of this part provides for a 3-year period for record-keeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.

(iv) Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.

(2) The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under subpart D, H, or I of this part.

(f) *Liability.* (1) Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under § 97.4(b) or § 97.5 shall be subject to enforcement pursuant to applicable State or Federal law.

(2) Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.

(3) No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.

(4) Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.

(5) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.

(6) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under subpart H of this part, the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

(g) *Effect on other authorities.* No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under § 97.4(b) or § 97.5 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

§ 97.7 Computation of time.

(a) Unless otherwise stated, any time period scheduled, under the NO_x Budget Trading Program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the NO_x Budget Trading Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the NO_x Budget Trading Program, falls on

a weekend or a State or Federal holiday, the time period shall be extended to the next business day.

Subpart B—NO_x Authorized Account Representative for NO_x Budget Sources

§ 97.10 Authorization and responsibilities of NO_x authorized account representative.

(a) Except as provided under § 97.11, each NO_x Budget source, including all NO_x Budget units at the source, shall have one and only one NO_x authorized account representative, with regard to all matters under the NO_x Budget Trading Program concerning the source or any NO_x Budget unit at the source.

(b) The NO_x authorized account representative of the NO_x Budget source shall be selected by an agreement binding on the owners and operators of the source and all NO_x Budget units at the source.

(c) Upon receipt by the Administrator of a complete account certificate of representation under § 97.13, the NO_x authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NO_x Budget source represented and each NO_x Budget unit at the source in all matters pertaining to the NO_x Budget Trading Program, not withstanding any agreement between the NO_x authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NO_x authorized account representative by the permitting authority, the Administrator, or a court regarding the source or unit.

(d) No NO_x Budget permit shall be issued, and no NO_x Allowance Tracking System account shall be established for a NO_x Budget unit at a source, until the Administrator has received a complete account certificate of representation under § 97.13 for a NO_x authorized account representative of the source and the NO_x Budget units at the source.

(e) (1) Each submission under the NO_x Budget Trading Program shall be

submitted, signed, and certified by the NO_x authorized account representative for each NO_x Budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NO_x authorized account representative: “I am authorized to make this submission on behalf of the owners and operators of the NO_x Budget sources or NO_x Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.”

(2) The permitting authority and the Administrator will accept or act on a submission made on behalf of owner or operators of a NO_x Budget source or a NO_x Budget unit only if the submission has been made, signed, and certified in accordance with paragraph (e)(1) of this section.

§ 97.11 Alternate NO_x authorized account representative.

(a) An account certificate of representation may designate one and only one alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative. The agreement by which the alternate NO_x authorized account representative is selected shall include a procedure for authorizing the alternate NO_x authorized account representative to act in lieu of the NO_x authorized account representative.

(b) Upon receipt by the Administrator of a complete account certificate of representation under § 97.13, any representation, action, inaction, or submission by the alternate NO_x authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO_x authorized account representative.

Environmental Protection Agency

§97.13

(c) Except in this section and §§97.10(a), 97.12, 97.13, and 97.51, whenever the term “NO_x authorized account representative” is used in this part, the term shall be construed to include the alternate NO_x authorized account representative.

§97.12 Changing NO_x authorized account representative and alternate NO_x authorized account representative; changes in owners and operators.

(a) *Changing NO_x authorized account representative.* The NO_x authorized account representative may be changed at any time upon receipt by the Administrator of a superseding complete account certificate of representation under §97.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO_x authorized account representative prior to the time and date when the Administrator receives the superseding account certificate of representation shall be binding on the new NO_x authorized account representative and the owners and operators of the NO_x Budget source and the NO_x Budget units at the source.

(b) *Changing alternate NO_x authorized account representative.* The alternate NO_x authorized account representative may be changed at any time upon receipt by the Administrator of a superseding complete account certificate of representation under §97.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO_x authorized account representative prior to the time and date when the Administrator receives the superseding account certificate of representation shall be binding on the new alternate NO_x authorized account representative and the owners and operators of the NO_x Budget source and the NO_x Budget units at the source.

(c) *Changes in owners and operators.* (1) In the event a new owner or operator of a NO_x Budget source or a NO_x Budget unit is not included in the list of owners and operators submitted in the account certificate of representation under §97.13, such new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations,

actions, inactions, and submissions of the NO_x authorized account representative and any alternate NO_x authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the permitting authority or the Administrator, as if the new owner or operator were included in such list.

(2) Within 30 days following any change in the owners and operators of a NO_x Budget source or a NO_x Budget unit, including the addition of a new owner or operator, the NO_x authorized account representative or alternate NO_x authorized account representative shall submit a revision to the account certificate of representation under §97.13 amending the list of owners and operators to include the change.

§97.13 Account certificate of representation.

(a) A complete account certificate of representation for a NO_x authorized account representative or an alternate NO_x authorized account representative shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the NO_x Budget source and each NO_x Budget unit at the source for which the account certificate of representation is submitted.

(2) The name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO_x authorized account representative and any alternate NO_x authorized account representative.

(3) A list of the owners and operators of the NO_x Budget source and of each NO_x Budget unit at the source.

(4) The following certification statement by the NO_x authorized account representative and any alternate NO_x authorized account representative: “I certify that I was selected as the NO_x authorized account representative or alternate NO_x authorized account representative, as applicable, by an agreement binding on the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO_x Budget Trading Program on behalf of the owners and operators of the NO_x Budget

§ 97.14

source and of each NO_x Budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the permitting authority, the Administrator, or a court regarding the source or unit.”

(5) The signature of the NO_x authorized account representative and any alternate NO_x authorized account representative and the dates signed.

(b) Unless otherwise required by the permitting authority or the Administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the Administrator. Neither the permitting authority nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

§ 97.14 Objections concerning NO_x authorized account representative.

(a) Once a complete account certificate of representation under § 97.13 has been submitted and received, the permitting authority and the Administrator will rely on the account certificate of representation unless and until a superseding complete account certificate of representation under § 97.13 is received by the Administrator.

(b) Except as provided in § 97.12 (a) or (b), no objection or other communication submitted to the permitting authority or the Administrator concerning the authorization, or any representation, action, inaction, or submission of the NO_x authorized account representative shall affect any representation, action, inaction, or submission of the NO_x authorized account representative or the finality of any decision or order by the permitting authority or the Administrator under the NO_x Budget Trading Program.

(c) Neither the permitting authority nor the Administrator will adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NO_x authorized account representative, including private legal disputes concerning the proceeds of NO_x allowance transfers.

40 CFR Ch. I (7–1–02 Edition)

Subpart C—Permits

§ 97.20 General NO_x Budget Trading Program permit requirements.

(a) For each NO_x Budget source required to have a federally enforceable permit, such permit shall include a NO_x Budget permit administered by the permitting authority for the federally enforceable permit.

(1) For NO_x Budget sources required to have a title V operating permit, the NO_x Budget portion of the title V permit shall be administered in accordance with the permitting authority's title V operating permits regulations promulgated under part 70 or 71 of this chapter, except as provided otherwise by this subpart or subpart I of this part.

(2) For NO_x Budget sources required to have a non-title V permit, the NO_x Budget portion of the non-title V permit shall be administered in accordance with the permitting authority's regulations promulgated to administer non-title V permits, except as provided otherwise by this subpart or subpart I of this part.

(b) Each NO_x Budget permit shall contain all applicable NO_x Budget Trading Program requirements and shall be a complete and segregable portion of the permit under paragraph (a) of this section.

§ 97.21 Submission of NO_x Budget permit applications.

(a) *Duty to apply.* The NO_x authorized account representative of any NO_x Budget source required to have a federally enforceable permit shall submit to the permitting authority a complete NO_x Budget permit application under § 97.22 by the applicable deadline in paragraph (b) of this section.

(b)(1) For NO_x Budget sources required to have a title V operating permit:

(i) For any source, with one or more NO_x Budget units under § 97.4(a) that commence operation before January 1, 2001, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 97.22 covering such NO_x Budget units to the permitting authority at least 18 months (or such lesser time provided

Environmental Protection Agency

§ 97.23

by the permitting authority) before May 31, 2004.

(ii) For any source, with any NO_x Budget unit under § 97.4(a) that commences operation on or after January 1, 2001, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 97.22 covering such NO_x Budget unit to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on which the NO_x Budget unit commences operation.

(2) For NO_x Budget sources required to have a non-title V permit:

(i) For any source, with one or more NO_x Budget units under § 97.4(a) that commence operation before January 1, 2001, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 97.22 covering such NO_x Budget units to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before May 31, 2004.

(ii) For any source, with any NO_x Budget unit under § 97.4(a) that commences operation on or after January 1, 2001, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 97.22 covering such NO_x Budget unit to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on which the NO_x Budget unit commences operation.

(c) *Duty to reapply.* (1) For a NO_x Budget source required to have a title V operating permit, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 97.22 for the NO_x Budget source covering the NO_x Budget units at the source in accordance with the permitting authority's title V operating permits regulations addressing operating permit renewal.

(2) For a NO_x Budget source required to have a non-title V permit, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 97.22 for the NO_x Budget source covering the NO_x Budget units at the source in accord-

ance with the permitting authority's non-title V permits regulations addressing permit renewal.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

§ 97.22 Information requirements for NO_x Budget permit applications.

A complete NO_x Budget permit application shall include the following elements concerning the NO_x Budget source for which the application is submitted, in a format prescribed by the permitting authority:

(a) Identification of the NO_x Budget source, including plant name and the ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable;

(b) Identification of each NO_x Budget unit at the NO_x Budget source and whether it is a NO_x Budget unit under § 97.4(a) or under subpart I of this part;

(c) The standard requirements under § 97.6; and

(d) For each NO_x Budget opt-in unit at the NO_x Budget source, the following certification statements by the NO_x authorized account representative:

(1) "I certify that each unit for which this permit application is submitted under subpart I of this part is not a NO_x Budget unit under 40 CFR 97.4(a) and is not covered by an exemption under 40 CFR 97.4(b) or 97.5 that is in effect."

(2) If the application is for an initial NO_x Budget opt-in permit, "I certify that each unit for which this permit application is submitted under subpart I of 40 CFR part 97 is operating, as that term is defined under 40 CFR 97.2."

§ 97.23 NO_x Budget permit contents.

(a) Each NO_x Budget permit will contain, in a format prescribed by the permitting authority, all elements required for a complete NO_x Budget permit application under § 97.22.

(b) Each NO_x Budget permit is deemed to incorporate automatically the definitions of terms under § 97.2 and, upon recordation by the Administrator under subpart F or G of this part, every allocation, transfer, or deduction of a NO_x allowance to or from the compliance accounts of the NO_x Budget units covered by the permit or

§ 97.24

40 CFR Ch. I (7–1–02 Edition)

the overdraft account of the NO_x Budget source covered by the permit.

§ 97.24 NO_x Budget permit revisions.

(a) For a NO_x Budget source with a title V operating permit, except as provided in § 97.23(b), the permitting authority will revise the NO_x Budget permit, as necessary, in accordance with the permitting authority's title V operating permits regulations addressing permit revisions.

(b) For a NO_x Budget source with a non-title V permit, except as provided in § 97.23(b), the permitting authority will revise the NO_x Budget permit, as necessary, in accordance with the permitting authority's non-title V permits regulations addressing permit revisions.

Subpart D—Compliance Certification

§ 97.30 Compliance certification report.

(a) *Applicability and deadline.* For each control period in which one or more NO_x Budget units at a source are subject to the NO_x Budget emissions limitation, the NO_x authorized account representative of the source shall submit to the permitting authority and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

(b) *Contents of report.* The NO_x authorized account representative shall include in the compliance certification report under paragraph (a) of this section the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NO_x Budget emissions limitation for the control period covered by the report:

(1) Identification of each NO_x Budget unit;

(2) At the NO_x authorized account representative's option, the serial numbers of the NO_x allowances that are to be deducted from each unit's compliance account under § 97.54 for the control period;

(3) At the NO_x authorized account representative's option, for units sharing a common stack and having NO_x emissions that are not monitored sepa-

ately or apportioned in accordance with subpart H of this part, the percentage of allowances that is to be deducted from each unit's compliance account under § 97.54(e); and

(4) The compliance certification under paragraph (c) of this section.

(c) *Compliance certification.* In the compliance certification report under paragraph (a) of this section, the NO_x authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO_x Budget units at the source in compliance with the NO_x Budget Trading Program, whether each NO_x Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO_x Budget Trading Program applicable to the unit, including:

(1) Whether the unit was operated in compliance with the NO_x Budget emissions limitation;

(2) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit and contains all information necessary to attribute NO_x emissions to the unit, in accordance with subpart H of this part;

(3) Whether all the NO_x emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with subpart H of this part. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

(4) Whether the facts that form the basis for certification under subpart H of this part of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under subpart H of this part, if any, have changed; and

(5) If a change is required to be reported under paragraph (c)(4) of this section, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

§ 97.31 Administrator's action on compliance certifications.

(a) The Administrator may review and conduct independent audits concerning any compliance certification or any other submission under the NO_x Budget Trading Program and make appropriate adjustments of the information in the compliance certifications or other submissions.

(b) The Administrator may deduct NO_x allowances from or transfer NO_x allowances to a unit's compliance account or a source's overdraft account based on the information in the compliance certifications or other submissions, as adjusted under paragraph (a) of this section.

Subpart E—NO_x Allowance Allocations

§ 97.40 Trading program budget.

In accordance with §§ 97.41 and 97.42, the Administrator will allocate to the NO_x Budget units under § 97.4(a) in a State, for each control period specified in § 97.41, a total number of NO_x allowances equal to the trading program budget for the State, as set forth in appendix C of this part, less the sum of the NO_x emission limitations (in tons) for each unit exempt under § 97.4(b) that is not allocated any NO_x allowances under § 97.42 (b) or (c) for the control period and whose NO_x emission limitation (in tons of NO_x) is not included in the amount calculated under § 97.42(d)(5)(ii)(B) for the control period.

§ 97.41 Timing requirements for NO_x allowance allocations.

(a) The NO_x allowance allocations, determined in accordance with §§ 97.42(a) through (c), for the control periods in 2004 through 2007 are set

forth in appendices A and B of this part.

(b) By April 1, 2005, the Administrator will determine by order the NO_x allowance allocations, in accordance with §§ 97.42 (a) through (c), for the control periods in 2008 through 2012.

(c) By April 1, 2010, by April 1 of 2015, and thereafter by April 1 of the year that is 5 years after the last year for which NO_x allowances allocations are determined, the Administrator will determine by order the NO_x allowance allocations, in accordance with §§ 97.42(a) through (c), for the control periods in the years that are 3, 4, 5, 6, and 7 years after the applicable deadline under this paragraph (c).

(d) By April 1, 2004 and April 1 of each year thereafter, the Administrator will determine by order the NO_x allowance allocations, in accordance with § 97.42(d), for the control period in the year of the applicable deadline under this paragraph (d).

(e) The Administrator will make available to the public each determination of NO_x allowance allocations under paragraph (b), (c), or (d) of this section and will provide an opportunity for submission of objections to the determination. Objections shall be limited to addressing whether the determination is in accordance with § 97.42. Based on any such objections, the Administrator will adjust each determination to the extent necessary to ensure that it is in accordance with § 97.42.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

§ 97.42 NO_x allowance allocations.

(a)(1) The heat input (in mmBtu) used for calculating NO_x allowance allocations for each NO_x Budget unit under § 97.4(a) will be:

(i) For a NO_x allowance allocation under § 97.41(a):

(A) For a unit under § 97.4(a)(1), the average of the two highest amounts of the unit's heat input for the control periods in 1995 through 1998; or

(B) For a unit under § 97.4(a)(2), the control period in 1995 or, if the Administrator determines that reasonably reliable data are available for control periods in 1996 through 1998, the average of the two highest amounts of the

unit's heat input for the control periods in 1995 through 1998.

(ii) For a NO_x allowance allocation under § 97.41(b), the unit's average heat input for the control periods in 2002 through 2004.

(iii) For a NO_x allowance allocation under § 97.41(c), the unit's average heat input for the control period in the years that are 4, 5, 6, 7, and 8 years before the first year for which the allocation is being calculated.

(2) The unit's heat input for the control period in each year specified under paragraph (a)(1) of this section will be determined in accordance with part 75 of this chapter. Notwithstanding the first sentence of this paragraph (a)(2):

(i) For a NO_x allowance allocation under § 97.41(a), such heat input will be determined using the best available data reported to the Administrator for the unit if the unit was not otherwise subject to the requirements of part 75 of this chapter for the control period.

(ii) For a NO_x allowance allocation under § 97.41(b) or (c) for a unit exempt under § 97.4(b), such heat input shall be treated as zero if the unit is exempt under § 97.4(b) during the control period.

(b) For each group of control periods specified in § 97.41(a) through (c), the Administrator will allocate to all NO_x Budget units in a given State under § 97.4(a)(1) that commenced operation before May 1, 1997 for allocations under § 97.41(a), May 1, 2003 for allocations under § 97.41(b), and May 1 of the year 5 years before the first year for which the allocation under § 97.41(c) is being calculated, a total number of NO_x allowances equal to 95 percent of the portion of the State's trading program budget under § 97.40 covering such units. The Administrator will allocate in accordance with the following procedures:

(1) The Administrator will allocate NO_x allowances to each NO_x Budget unit under § 97.4(a)(1) for each control period in an amount equaling 0.15 lb/mmBtu multiplied by the heat input determined under paragraph (a) of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

(2) If the initial total number of NO_x allowances allocated to all NO_x Budget

units under § 97.4(a)(1) in the State for a control period under paragraph (b)(1) of this section does not equal 95 percent of the portion of the State's trading program budget under § 97.40 covering such units, the Administrator will adjust the total number of NO_x allowances allocated to all such NO_x Budget units for the control period under paragraph (b)(1) of this section so that the total number of NO_x allowances allocated equals 95 percent of such portion of the State's trading program budget. This adjustment will be made by: multiplying each unit's allocation by 95 percent of such portion of the State's trading program budget; dividing by the total number of NO_x allowances allocated under paragraph (b)(1) of this section for the control period; and rounding to the nearest whole number of NO_x allowances as appropriate.

(c) For each group of control periods specified in § 97.41(a) through (c), the Administrator will allocate to all NO_x Budget units in a given State under § 97.4(a)(2) that commenced operation before May 1, 1997 for allocations under § 97.41(a), May 1, 2003 for allocations under § 97.41(b), and May 1 of the year 5 years before the first year for which the allocation under § 97.41(c) is being calculated, a total number of NO_x allowances equal to 95 percent of the portion of the State's trading program budget under § 97.40 covering such units. The Administrator will allocate in accordance with the following procedures:

(1) The Administrator will allocate NO_x allowances to each NO_x Budget unit under § 97.4(a)(2) for each control period in an amount equaling 0.17 lb/mmBtu multiplied by the heat input determined under paragraph (a) of this section, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

(2) If the initial total number of NO_x allowances allocated to all NO_x Budget units under § 97.4(a)(2) in the State for a control period under paragraph (c)(1) of this section does not equal 95 percent of the portion of the State's trading program budget under § 97.40 covering such units, the Administrator will adjust the total number of NO_x allowances allocated to all such NO_x

Environmental Protection Agency

§ 97.42

Budget units for the control period under paragraph (a)(1) of this section so that the total number of NO_x allowances allocated equals 95 percent of the portion of the State's trading program budget under § 97.40 covering such units. This adjustment will be made by: multiplying each unit's allocation by 95 percent of the portion of the State's trading program budget under § 97.40 covering such units; dividing by the total number of NO_x allowances allocated under paragraph (c)(1) of this section for the control period; and rounding to the nearest whole number of NO_x allowances as appropriate.

(d) For each control period specified in § 97.41(d), the Administrator will allocate NO_x allowances to NO_x Budget units in a given State under § 97.4(a) (except for units exempt under § 97.4(b)) that commence operation, or are projected to commence operation, on or after: May 1, 1997 (for control periods under § 97.41(a)); May 1, 2003, (for control periods under § 97.41(b)); and May 1 of the year 5 years before the beginning of the group of 5 years that includes the control period (for control periods under § 97.41(c)). The Administrator will make the allocations under this paragraph (d) in accordance with the following procedures:

(1) The Administrator will establish one allocation set-aside for each control period. Each allocation set-aside will be allocated NO_x allowances equal to 5 percent of the tons of NO_x emission in the State's trading program budget under § 97.40, rounded to the nearest whole number of NO_x allowances as appropriate.

(2) The NO_x authorized account representative of a NO_x Budget unit specified in this paragraph (d) may submit to the Administrator a request, in a format specified by the Administrator, to be allocated NO_x allowances for the control period. The NO_x allowance allocation request must be received by the Administrator on or after the date on which the State permitting authority issues a permit to construct the unit and by January 1 before the control period for which NO_x allowances are requested.

(3) In a NO_x allowance allocation request under paragraph (d)(2) of this section, the NO_x authorized account rep-

resentative for a NO_x Budget unit under § 97.4(a)(1) may request for the control period NO_x allowances in an amount that does not exceed the lesser of:

(i) 0.15 lb/mmBtu multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate; or

(ii) The unit's most stringent State or Federal NO_x emission limitation multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

(4) In a NO_x allowance allocation request under paragraph (d)(2) of this section, the NO_x authorized account representative for a NO_x Budget unit under § 97.4(a)(2) may request for a control period NO_x allowances in an amount that does not exceed the lesser of:

(i) 0.17 lb/mmBtu multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate; or

(ii) The unit's most stringent State or Federal NO_x emission limitation multiplied by the unit's maximum design heat input, multiplied by the lesser of 3,672 hours or the number of hours remaining in the control period starting with the day in the control period on which the unit commences operation or is projected to commence operation, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

(5) The Administrator will review each NO_x allowance allocation request submitted in accordance with paragraph (d)(2) of this section and will allocate NO_x allowances pursuant to such request as follows:

(i) Upon receipt of the NO_x allowance allocation request, the Administrator will make any necessary adjustments to the request to ensure that the requirements of paragraphs (d) introductory text, (d)(2), (d)(3), and (d)(4) are met.

(ii) The Administrator will determine the following amounts:

(A) The sum of the NO_x allowances requested (as adjusted under paragraph (d)(5)(i) of this section) in all NO_x allowance allocation requests under paragraph (d)(2) of this section for the control period; and

(B) For units exempt under § 97.4(b) in the State that commenced operation, or are projected to commence operation, on or after May 1, 1997 (for control periods under § 97.41(a)); May 1, 2003, (for control periods under § 97.41(b)); and May 1 of the year 5 years before beginning of the group of 5 years that includes the control period (for control periods under § 97.41(c)), the sum of the NO_x emission limitations (in tons of NO_x) on which each unit's exemption under § 97.4(b) is based.

(iii) If the number of NO_x allowances in the allocation set-aside for the control period less the amount under paragraph (d)(5)(ii)(B) of this section is not less than the amount determined under paragraph (d)(5)(ii)(A) of this section, the Administrator will allocate the amount of the NO_x allowances requested (as adjusted under paragraph (d)(5)(i) of this section) to the NO_x Budget unit for which the allocation request was submitted.

(iv) If the number of NO_x allowances in the allocation set-aside for the control period less the amount under paragraph (d)(5)(ii)(B) of this section is less than the amount determined under paragraph (d)(5)(ii)(A) of this section, the Administrator will allocate, to the NO_x Budget unit for which the allocation request was submitted, the amount of NO_x allowances requested (as adjusted under paragraph (d)(5)(i) of this section) multiplied by the number of NO_x allowances in the allocation

set-aside for the control period less the amount determined under paragraph (d)(5)(ii)(B) of this section, divided by the amount determined under paragraph (d)(5)(ii)(A) of this section, and rounded to the nearest whole number of NO_x allowances as appropriate.

(e)(1) For a NO_x Budget unit that is allocated NO_x allowances under paragraph (d) of this section for a control period, the Administrator will deduct NO_x allowances under § 97.54(b), (e), or (f) to account for the actual heat input of the unit during the control period. The Administrator will calculate the number of NO_x allowances to be deducted to account for the unit's actual heat input using the following formulas and rounding to the nearest whole number of NO_x allowance as appropriate, provided that the number of NO_x allowances to be deducted shall be zero if the number calculated is less than zero:

NO_x allowances deducted for actual heat input for a unit under § 97.4(a)(1) = Unit's NO_x allowances allocated for control period – (Unit's actual control period heat input × 0.15 lb/mmBtu × 2,000 lb/ton); and NO_x allowances deducted for actual heat input for a unit under § 97.4(a)(2) = Unit's NO_x allowances allocated for control period – (Unit's actual control period heat input × 0.17 lb/mmBtu × 2,000 lb/ton)

Where:

“Unit's NO_x allowances allocated for control period” is the number of NO_x allowances allocated to the unit for the control period under paragraph (d) of this section; and

“Unit's actual control period heat input” is the heat input (in mmBtu) of the unit during the control period.

(2) The Administrator will transfer any NO_x allowances deducted under paragraph (c)(1) of this section to the allocation set-aside for the control period for which they were allocated.

(f) After making the deductions for compliance under § 97.54(b), (e), or (f) for a control period, the Administrator will determine whether any NO_x allowances remain in the allocation set-aside for the control period. The Administrator will allocate any such NO_x allowances to the NO_x Budget units in the State using the following formula

Environmental Protection Agency

§ 97.43

and rounding to the nearest whole number of NO_x allowances as appropriate:

Unit's share of NO_x allowances remaining in allocation set-aside = Total NO_x allowances remaining in allocation set-aside × (Unit's NO_x allowance allocation ÷ State's trading program budget excluding allocation set-aside)

Where:

“Total NO_x allowances remaining in allocation set-aside” is the total number of NO_x allowances remaining in the allocation set-aside for the control period;

“Unit's NO_x allowance allocation” is the number of NO_x allowances allocated under paragraph (b) or (c) of this section to the unit for the control period to which the allocation set-aside applies; and

“State's trading program budget excluding allocation set-aside” is the State's trading program budget under § 97.40 for the control period to which the allocation set-aside applies multiplied by 95 percent, rounded to the nearest whole number of NO_x allowances as appropriate.

(g) If the Administrator determines that NO_x allowances were allocated under paragraph (b), (c), or (d) of this section for a control period and the recipient of the allocation is not actually a NO_x Budget unit under § 97.4(a), the Administrator will notify the NO_x authorized account representative and then will act in accordance with the following procedures:

(1)(i) The Administrator will not record such NO_x allowances for the control period in an account under § 97.53;

(ii) If the Administrator already recorded such NO_x allowances for the control period in an account under § 97.53 and if the Administrator makes such determination before making all deductions pursuant to § 97.54 (except deductions pursuant to § 97.54(d)(2)) for the control period, then the Administrator will deduct from the account NO_x allowances equal in number to and allocated for the same or a prior control period as the NO_x allowances allocated to such recipient for the control period. The NO_x authorized account representative shall ensure that the account contains the NO_x allowances necessary for completion of such deduction. If account does not contain the necessary NO_x allowances, the Ad-

ministrator will deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in the account; or

(iii) If the Administrator already recorded such NO_x allowances for the control period in an account under § 97.53 and if the Administrator makes such determination after making all deductions pursuant to § 97.54 (except deductions pursuant to § 97.54(d)(2)) for the control period, then the Administrator will apply paragraph (g)(1)(ii) of this section to any subsequent control period for which NO_x allowances were allocated to such recipient.

(2) The Administrator will transfer the NO_x allowances that are not recorded, or that are deducted, pursuant to paragraph (g)(1) of this section to an allocation set-aside for the State in which such source is located.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

§ 97.43 Compliance Supplement Pool.

(a) For any NO_x Budget unit that reduces its NO_x emission rate in the 2001 through 2003 control period, the owners and operators may request early reduction credits in accordance with the following requirements:

(1) Each NO_x Budget unit for which the owners and operators intend to request, or request, any early reduction credits in accordance with paragraph (a)(4) of this section shall monitor and report NO_x emissions in accordance with subpart H of this part starting in the 2000 control period and for each control period for which such early reduction credits are requested. The unit's percent monitor data availability shall not be less than 90 percent during the 2000 control period, and the unit must be in full compliance with any applicable State or Federal NO_x emission control requirements during 2000 through 2002.

(2) NO_x emission rate and heat input under paragraphs (a)(3) and (4) of this section shall be determined in accordance with subpart H of this part.

(3) Each NO_x Budget unit for which the owners and operators intend to request, or request, any early reduction credits under paragraph (a)(4) of this section shall reduce its NO_x emission

rate, for each control period for which early reduction credits are requested, to less than both 0.25 lb/mmBtu and 80 percent of the unit's NO_x emission rate in the 2000 control period.

(4) The NO_x authorized account representative of a NO_x Budget unit that meets the requirements of paragraphs (a) (1) and (3) of this section may submit to the Administrator a request for early reduction credits for the unit based on NO_x emission rate reductions made by the unit in the control period for 2001 through 2003.

(i) In the early reduction credit request, the NO_x authorized account may request early reduction credits for such control period in an amount equal to the unit's heat input for such control period multiplied by the difference between 0.25 lb/mmBtu and the unit's NO_x emission rate for such control period, divided by 2000 lb/ton, and rounded to the nearest whole number of tons.

(ii) The early reduction credit request must be submitted, in a format specified by the Administrator, by February 1, 2004.

(b) For any NO_x Budget unit that is subject to the Ozone Transport Commission NO_x Budget Program under title I of the Clean Air Act, the owners and operators may request early reduction credits in accordance with the following requirements:

(1) The NO_x authorized account representative of the unit may submit to the Administrator a request for early reduction credits in an amount equal to the amount of banked allowances under the Ozone Transport Commission NO_x Budget Program that were allocated for the control period in 2001 through 2003 and are held by the unit, in accordance with the Ozone Transport Commission NO_x Budget Program, as of the date of submission of the request. During the entire control period in 2001 through 2003 for which the allowances were allocated, the unit must have monitored and reported NO_x emissions in accordance with part 75 (except for subpart H) of this chapter and the Guidance for Implementation of Emission Monitoring Requirements for the NO_x Budget Program (January 28, 1997).

(2) The early reduction credit request under paragraph (b)(1) must be sub-

mitted, in a format specified by the Administrator, by February 1, 2004.

(3) The NO_x authorized account representative of the unit shall not submit a request for early reduction credits under paragraph (b)(1) of this section for banked allowances under the Ozone Transport Commission NO_x Budget Program that were allocated for any control period during which the unit made NO_x emission reductions for which he or she submits a request for early reduction credits under paragraph (a) of this section for the unit.

(c) The Administrator will review each early reduction credit request submitted in accordance with paragraph (a) or (b) of this section and will allocate NO_x allowances to NO_x Budget units in a given State and covered by such request as follows:

(1) Upon receipt of each early reduction credit request, the Administrator will make any necessary adjustments to the request to ensure that the amount of the early reduction credits requested meets the requirements of paragraph (a) or (b) of this section.

(2) After February 1, 2004, the Administrator will make available to the public a statement of the total number of early reduction credits requested by NO_x Budget units in the State.

(3) If the State's compliance supplement pool set forth in appendix D of this part has a number of NO_x allowances not less than the amount of early reduction credits in all early reduction credit requests under paragraph (a) or (b) of this section for 2001 through 2003 (as adjusted under paragraph (c)(1) of this section) submitted by February 1, 2004, the Administrator will allocate to each NO_x Budget unit covered by such requests one allowance for each early reduction credit requested (as adjusted under paragraph (c)(1) of this section).

(4) If the State's compliance supplement pool set forth in appendix D of this part has a smaller number of NO_x allowances than the amount of early reduction credits in all early reduction credit requests under paragraph (a) or (b) of this section for 2001 through 2003 (as adjusted under paragraph (c)(1) of this section) submitted by February 1, 2004, the Administrator will allocate NO_x allowances to each NO_x Budget

Environmental Protection Agency

§ 97.51

unit covered by such requests according to the following formula and rounding to the nearest whole number of NO_x allowances as appropriate:

Unit's allocation for early reduction credits = Unit's adjusted early reduction credits × (State's compliance supplement pool ÷ Total adjusted early reduction credits for all units)

Where:

"Unit's allocation for early reduction credits" is the number of NO_x allowances allocated to the unit for early reduction credits.

"Unit's adjusted early reduction credits" is the amount of early reduction credits requested for the unit for 2001 and 2002 in early reduction credit requests under paragraph (a) or (b) of this section, as adjusted under paragraph (c)(1) of this section.

"State's compliance supplement pool" is the number of NO_x allowances in the State's compliance supplement pool set forth in appendix D of this part.

"Total adjusted early reduction credits for all units" is the amount of early reduction credits requested for all units for 2001 and 2002 in early reduction credit requests under paragraph (a) or (b) of this section, as adjusted under paragraph (c)(1) of this section.

(5) By April 1, 2004, the Administrator will determine by order the allocations under paragraph (c)(3) or (4) of this section. The Administrator will make available to the public each determination of NO_x allowance allocations and will provide an opportunity for submission of objections to the determination. Objections shall be limited to addressing whether the determination is in accordance with paragraph (c)(1), (3), or (4) of this section. Based on any such objections, the Administrator will adjust each determination to the extent necessary to ensure that it is in accordance with paragraph (c)(1), (3), or (4) of this section.

(6) By May 1, 2004, the Administrator will record the allocations under paragraph (c)(3) or (4) of this section.

(7) NO_x allowances recorded under paragraph (c)(6) of this section may be deducted for compliance under § 97.54 for the control period in 2004 or 2005. Notwithstanding § 97.55(a), the Administrator will deduct as retired any NO_x allowance that is recorded under paragraph (c)(6) of this section and that is not deducted for compliance under

§ 97.54 for the control period in 2003 or 2004.

(8) NO_x allowances recorded under paragraph (c)(6) of this section are treated as banked allowances in 2005 for the purposes of §§ 97.54(f) and 97.55(b).

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

Subpart F—NO_x Allowance Tracking System

§ 97.50 NO_x Allowance Tracking System accounts.

(a) *Nature and function of compliance accounts and overdraft accounts.* Consistent with § 97.51(a), the Administrator will establish one compliance account for each NO_x Budget unit and one overdraft account for each source with two or more NO_x Budget units. Allocations of NO_x allowances pursuant to subpart E of this part or § 97.88, and deductions or transfers of NO_x allowances pursuant to § 97.31, § 96.54, § 96.56, subpart G of this part, or subpart I of this part will be recorded in compliance accounts or overdraft accounts in accordance with this subpart.

(b) *Nature and function of general accounts.* Consistent with § 97.51(b), the Administrator will establish, upon request, a general account for any person. Allocations of NO_x allowances pursuant to § 97.4(b)(4)(ii) or § 97.5(c)(2) and transfers of allowances pursuant to subpart G of this part will be recorded in general accounts in accordance with this subpart.

§ 97.51 Establishment of accounts.

(a) *Compliance accounts and overdraft accounts.* Upon receipt of a complete account certificate of representation under § 97.13, the Administrator will establish:

(1) A compliance account for each NO_x Budget unit for which the account certificate of representation was submitted; and

(2) An overdraft account for each source for which the account certificate of representation was submitted and that has two or more NO_x Budget units.

(b) *General accounts.*—(1) *Application for general account.* (i) Any person may

apply to open a general account for the purpose of holding and transferring allowances. An application for a general account may designate one and only one NO_x authorized account representative and one and only one alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative. The agreement by which the alternate NO_x authorized account representative is selected shall include a procedure for authorizing the alternate NO_x authorized account representative to act in lieu of the NO_x authorized account representative. A complete application for a general account shall be submitted to the Administrator and shall include the following elements in a format prescribed by the Administrator:

(A) Name, mailing address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO_x authorized account representative and any alternate NO_x authorized account representative;

(B) At the option of the NO_x authorized account representative, organization name and type of organization;

(C) A list of all persons subject to a binding agreement for the NO_x authorized account representative and any alternate NO_x authorized account representative to represent their ownership interest with respect to the allowances held in the general account;

(D) The following certification statement by the NO_x authorized account representative and any alternate NO_x authorized account representative: “I certify that I was selected as the NO_x authorized account representative or the NO_x alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO_x Budget Trading Program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Administrator or a court regarding the general account.”

(E) The signature of the NO_x authorized account representative and any alternate NO_x authorized account representative and the dates signed.

(ii) Unless otherwise required by the permitting authority or the Administrator, documents of agreement referred to in the application for a general account shall not be submitted to the permitting authority or the Administrator. Neither the permitting authority nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(2) *Authorization of NO_x authorized account representative.* Upon receipt by the Administrator of a complete application for a general account under paragraph (b)(1) of this section:

(i) The Administrator will establish a general account for the person or persons for whom the application is submitted.

(ii) The NO_x authorized account representative and any alternate NO_x authorized account representative for the general account shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to NO_x allowances held in the general account in all matters pertaining to the NO_x Budget Trading Program, notwithstanding any agreement between the NO_x authorized account representative or any alternate NO_x authorized account representative and such person. Any such person shall be bound by any order or decision issued to the NO_x authorized account representative or any alternate NO_x authorized account representative by the Administrator or a court regarding the general account.

(iii) Any representation, action, inaction, or submission by any alternate NO_x authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO_x authorized account representative.

(iv) Each submission concerning the general account shall be submitted, signed, and certified by the NO_x authorized account representative or any alternate NO_x authorized account representative for the persons having an ownership interest with respect to NO_x allowances held in the general account.

Each such submission shall include the following certification statement by the NO_x authorized account representative or any alternate NO_x authorizing account representative: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO_x allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(v) The Administrator will accept or act on a submission concerning the general account only if the submission has been made, signed, and certified in accordance with paragraph (b)(2)(iv) of this section.

(3) *Changing NO_x authorized account representative and alternate NO_x authorized account representative; changes in persons with ownership interest.* (i) The NO_x authorized account representative for a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a general account under paragraph (b)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO_x authorized account representative prior to the time and date when the Administrator receives the superseding application for a general account shall be binding on the new NO_x authorized account representative and the persons with an ownership interest with respect to the NO_x allowances in the general account.

(ii) The alternate NO_x authorized account representative for a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a

general account under paragraph (b)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO_x authorized account representative prior to the time and date when the Administrator receives the superseding application for a general account shall be binding on the new alternate NO_x authorized account representative and the persons with an ownership interest with respect to the NO_x allowances in the general account.

(iii)(A) In the event a new person having an ownership interest with respect to NO_x allowances in the general account is not included in the list of such persons in the account certificate of representation, such new person shall be deemed to be subject to and bound by the account certificate of representation, the representation, actions, inactions, and submissions of the NO_x authorized account representative and any alternate NO_x authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the Administrator, as if the new person were included in such list.

(B) Within 30 days following any change in the persons having an ownership interest with respect to NO_x allowances in the general account, including the addition of persons, the NO_x authorized account representative or any alternate NO_x authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO_x allowances in the general account to include the change.

(4) *Objections concerning NO_x authorized account representative.* (i) Once a complete application for a general account under paragraph (b)(1) of this section has been submitted and received, the Administrator will rely on the application unless and until a superseding complete application for a general account under paragraph (b)(1) of this section is received by the Administrator.

(ii) Except as provided in paragraph (b)(3)(i) or (ii) of this section, no objection or other communication submitted to the Administrator concerning the authorization, or any representation, action, inaction, or submission of the NO_x authorized account representative or any alternative NO_x authorized account representative for a general account shall affect any representation, action, inaction, or submission of the NO_x authorized account representative or any alternative NO_x authorized account representative or the finality of any decision or order by the Administrator under the NO_x Budget Trading Program.

(iii) The Administrator will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of the NO_x authorized account representative or any alternative NO_x authorized account representative for a general account, including private legal disputes concerning the proceeds of NO_x allowance transfers.

(c) *Account identification.* The Administrator will assign a unique identifying number to each account established under paragraph (a) or (b) of this section.

§ 97.52 NO_x Allowance Tracking System responsibilities of NO_x authorized account representative.

(a) Following the establishment of a NO_x Allowance Tracking System account, all submissions to the Administrator pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO_x allowances in the account, shall be made only by the NO_x authorized account representative for the account.

(b) *Authorized account representative identification.* The Administrator will assign a unique identifying number to each NO_x authorized account representative.

§ 97.53 Recordation of NO_x allowance allocations.

(a) The Administrator will record the NO_x allowances for 2004 for a NO_x Budget unit allocated under subpart E of this part in the unit's compliance account, except for NO_x allowances

under § 97.4(b)(4)(ii) or § 97.5(c)(2), which will be recorded in the general account specified by the owners and operators of the unit. The Administrator will record NO_x allowances for 2004 for a NO_x Budget opt-in unit in the unit's compliance account as allocated under § 97.88(a).

(b) By May 1, 2003, the Administrator will record the NO_x allowances for 2005 for a NO_x Budget unit allocated under subpart E of this part in the unit's compliance account, except for NO_x allowances under § 97.4(b)(4)(ii) or § 97.5(c)(2), which will be recorded in the general account specified by the owners and operators of the unit. The Administrator will record NO_x allowances for 2005 for a NO_x Budget opt-in unit in the unit's compliance account as allocated under § 97.88(a).

(c) By May 1, 2003, the Administrator will record the NO_x allowances for 2006 for a NO_x Budget unit allocated under subpart E of this part in the unit's compliance account, except for NO_x allowances under § 97.4(b)(4)(ii) or § 97.5(c)(2), which will be recorded in the general account specified by the owners and operators of the unit. The Administrator will record NO_x allowances for 2006 for a NO_x Budget opt-in unit in the unit's compliance account as allocated under § 97.88(a).

(d) By May 1, 2004, the Administrator will record the NO_x allowances for 2007 for a NO_x Budget unit allocated under subpart E of this part in the unit's compliance account, except for NO_x allowances under § 97.4(b)(4)(ii) or § 97.5(c)(2), which will be recorded in the general account specified by the owners and operators of the unit. The Administrator will record NO_x allowances for 2007 for a NO_x Budget opt-in unit in the unit's compliance account as allocated under § 97.88(a).

(e) Each year starting with 2005, after the Administrator has made all deductions from a NO_x Budget unit's compliance account and the overdraft account pursuant to § 97.54 (except deductions pursuant to § 97.54(d)(2)), the Administrator will record:

(1) NO_x allowances, in the compliance account, as allocated to the unit under subpart E of this part for the third year after the year of the control

period for which such deductions were or could have been made;

(2) NO_x allowances, in the general account specified by the owners and operators of the unit, as allocated under § 97.4(b)(4)(ii) or § 97.5(c)(2) for the third year after the year of the control period for which such deductions are or could have been made; and

(3) NO_x allowances, in the compliance account, as allocated to the unit under § 97.88(a).

(f) *Serial numbers for allocated NO_x allowances.* When allocating NO_x allowances to a NO_x Budget unit and recording them in an account, the Administrator will assign each NO_x allowance a unique identification number that will include digits identifying the year for which the NO_x allowance is allocated.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21530, Apr. 30, 2002]

§ 97.54 Compliance.

(a) NO_x allowance transfer deadline. The NO_x allowances are available to be deducted for compliance with a unit's NO_x Budget emissions limitation for a control period in a given year only if the NO_x allowances:

(1) Were allocated for a control period in a prior year or the same year; and

(2) Are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO_x allowance transfer deadline for that control period or are transferred into the compliance account or overdraft account by a NO_x allowance transfer correctly submitted for recordation under § 97.60 by the NO_x allowance transfer deadline for that control period.

(b) *Deductions for compliance.* (1) Following the recordation, in accordance with § 97.61, of NO_x allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO_x allowance transfer deadline for a control period, the Administrator will deduct NO_x allowances available under paragraph (a) of this section to cover the unit's NO_x emissions (as determined in accordance with subpart H of this part), or to account for actual heat input under § 97.42(e), for the control period:

(i) From the compliance account; and

(ii) Only if no more NO_x allowances available under paragraph (a) of this section remain in the compliance account, from the overdraft account. In deducting allowances for units at the source from the overdraft account, the Administrator will begin with the unit having the compliance account with the lowest account number and end with the unit having the compliance account with the highest account number (with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters).

(2) The Administrator will deduct NO_x allowances first under paragraph (b)(1)(i) of this section and then under paragraph (b)(1)(ii) of this section:

(i) Until the number of NO_x allowances deducted for the control period equals the number of tons of NO_x emissions, determined in accordance with subpart H of this part, from the unit for the control period for which compliance is being determined, plus the number of NO_x allowances required for deduction to account for actual heat input under § 97.42(e) for the control period; or

(ii) Until no more NO_x allowances available under paragraph (a) of this section remain in the respective account.

(c)(1) *Identification of NO_x allowances by serial number.* The NO_x authorized account representative for each compliance account may identify by serial number the NO_x allowances to be deducted from the unit's compliance account under paragraph (b), (d), (e), or (f) of this section. Such identification shall be made in the compliance certification report submitted in accordance with § 97.30.

(2) *First-in, first-out.* The Administrator will deduct NO_x allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO_x allowances by serial number under paragraph (c)(1) of this section, or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:

(i) Those NO_x allowances that were allocated for the control period to the unit under subpart E or I of this part;

(ii) Those NO_x allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to subpart G of this part, in order of their date of recordation;

(iii) Those NO_x allowances that were allocated for a prior control period to the unit under subpart E or I of this part; and

(iv) Those NO_x allowances that were allocated for a prior control period to any unit and transferred and recorded in the account pursuant to subpart G of this part, in order of their date of recordation.

(d) *Deductions for excess emissions.* (1) After making the deductions for compliance under paragraph (b) of this section, the Administrator will deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO_x allowances, allocated for a control period after the control period in which the unit has excess emissions, equal to three times the number of the unit's excess emissions.

(2) If the compliance account or overdraft account does not contain sufficient NO_x allowances, the Administrator will deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

(3) Any allowance deduction required under paragraph (d) of this section shall not affect the liability of the owners and operators of the NO_x Budget unit for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the Clean Air Act or applicable State law. The following guidelines will be followed in assessing fines, penalties or other obligations:

(i) For purposes of determining the number of days of violation, if a NO_x Budget unit has excess emissions for a control period, each day in the control period (153 days) constitutes a day in violation unless the owners and operators of the unit demonstrate that a

lesser number of days should be considered.

(ii) Each ton of excess emissions is a separate violation.

(e) *Deductions for units sharing a common stack.* In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with subpart H of this part:

(1) The NO_x authorized account representative of the units may identify the percentage of NO_x allowances to be deducted from each such unit's compliance account to cover the unit's share of NO_x emissions from the common stack for a control period. Such identification shall be made in the compliance certification report submitted in accordance with § 97.30.

(2) Notwithstanding paragraph (b)(2)(i) of this section, the Administrator will deduct NO_x allowances for each such unit until the number of NO_x allowances deducted equals the unit's identified percentage under paragraph (e)(1) of this section or, if no percentage is identified, an equal percentage for each unit multiplied by the number of tons of NO_x emissions, as determined in accordance with subpart H of this part, from the common stack for the control period for which compliance is being determined. In addition to the deductions under the first sentence of this paragraph (e)(1), the Administrator will deduct NO_x allowances for each such unit until the number of NO_x allowances deducted equals the number of NO_x allowances required to account for actual heat input under § 97.42(e) for the unit for the control period.

(f) *Deduction of banked allowances.* Each year starting in 2006, after the Administrator has completed the designation of banked NO_x allowances under § 97.55(b) and before May 1 of the year, the Administrator will determine the extent to which banked NO_x allowances otherwise available under paragraph (a) of this section are available for compliance in the control period for the current year, as follows:

(1) The Administrator will determine the total number of banked NO_x allowances held in compliance accounts, overdraft accounts, or general accounts.

Environmental Protection Agency

§ 97.57

(2) If the total number of banked NO_x allowances determined, under paragraph (f)(1) of this section, to be held in compliance accounts, overdraft accounts, or general accounts is less than or equal to 10 percent of the sum of the trading program budgets under § 97.40 for all States for the control period, any banked NO_x allowance may be deducted for compliance in accordance with paragraphs (a) through (e) of this section.

(3) If the total number of banked NO_x allowances determined, under paragraph (f)(1) of this section, to be held in compliance accounts, overdraft accounts, or general accounts exceeds 10 percent of the sum of the trading program budgets under § 97.40 for all States for the control period, any banked allowance may be deducted for compliance in accordance with paragraphs (a) through (e) of this section, except as follows:

(i) The Administrator will determine the following ratio: 0.10 multiplied by the sum of the trading program budgets under § 97.40 for all States for the control period and divided by the total number of banked NO_x allowances determined, under paragraph (f)(1) of this section, to be held in compliance accounts, overdraft accounts, or general accounts.

(ii) The Administrator will multiply the number of banked NO_x allowances in each compliance account or overdraft account by the ratio determined under paragraph (f)(3)(i) of this section. The resulting product is the number of banked NO_x allowances in the account that may be deducted for compliance in accordance with paragraphs (a) through (e) of this section. Any banked NO_x allowances in excess of the resulting product may be deducted for compliance in accordance with paragraphs (a) through (e) of this section, except that, if such NO_x allowances are used to make a deduction under paragraph (b) or (e) of this section, two (rather than one) such NO_x allowances shall authorize up to one ton of NO_x emissions during the control period and must be deducted for each deduction of one NO_x allowance required under paragraph (b) or (e) of this section.

(g) *Recordation of deductions.* The Administrator will record in the appro-

priate compliance account or overdraft account all deductions from such an account pursuant to paragraph (b), (d), (e), or (f) of this section.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21530, Apr. 30, 2002]

§ 97.55 Banking.

NO_x allowances may be banked for future use or transfer in a compliance account, an overdraft account, or a general account, as follows:

(a) Any NO_x allowance that is held in a compliance account, an overdraft account, or a general account will remain in such account unless and until the NO_x allowance is deducted or transferred under § 97.31, § 97.54, § 97.56, or subpart G or I of this part.

(b) The Administrator will designate, as a “banked” NO_x allowance, any NO_x allowance that remains in a compliance account, an overdraft account, or a general account after the Administrator has made all deductions for a given control period from the compliance account or overdraft account pursuant to § 97.54 (except deductions pursuant to § 97.54(d)(2)) and that was allocated for that control period or a control period in a prior year.

§ 97.56 Account error.

The Administrator may, at his or her sole discretion and on his or her own motion, correct any error in any NO_x Allowance Tracking System account. Within 10 business days of making such correction, the Administrator will notify the NO_x authorized account representative for the account.

§ 97.57 Closing of general accounts.

(a) The NO_x authorized account representative of a general account may instruct the Administrator to close the account by submitting a statement requesting deletion of the account from the NO_x Allowance Tracking System and by correctly submitting for recordation under § 97.60 an allowance transfer of all NO_x allowances in the account to one or more other NO_x Allowance Tracking System accounts.

(b) If a general account shows no activity for a period of a year or more and does not contain any NO_x allowances, the Administrator may notify

§ 97.60

the NO_x authorized account representative for the account that the account will be closed and deleted from the NO_x Allowance Tracking System following 20 business days after the notice is sent. The account will be closed after the 20-day period unless before the end of the 20-day period the Administrator receives a correctly submitted transfer of NO_x allowances into the account under § 97.60 or a statement submitted by the NO_x authorized account representative demonstrating to the satisfaction of the Administrator good cause as to why the account should not be closed.

Subpart G—NO_x Allowance Transfers

§ 97.60 Submission of NO_x allowance transfers.

The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the Administrator:

- (a) The numbers identifying both the transferor and transferee accounts;
- (b) A specification by serial number of each NO_x allowance to be transferred; and
- (c) The printed name and signature of the NO_x authorized account representative of the transferor account and the date signed.

§ 97.61 EPA recordation.

(a) Within 5 business days of receiving a NO_x allowance transfer, except as provided in paragraph (b) of this section, the Administrator will record a NO_x allowance transfer by moving each NO_x allowance from the transferor account to the transferee account as specified by the request, provided that:

- (1) The transfer is correctly submitted under § 97.60; and
- (2) The transferor account includes each NO_x allowance identified by serial number in the transfer.

(b) A NO_x allowance transfer that is submitted for recordation following the NO_x allowance transfer deadline and that includes any NO_x allowances allocated for a control period in a prior

40 CFR Ch. I (7–1–02 Edition)

year or the same year as the NO_x allowance transfer deadline will not be recorded until after the Administrator completes the recordation of NO_x allowance allocations under § 97.53 for the control period in the same year as the NO_x allowance transfer deadline.

(c) Where a NO_x allowance transfer submitted for recordation fails to meet the requirements of paragraph (a) of this section, the Administrator will not record such transfer.

§ 97.62 Notification.

(a) *Notification of recordation.* Within 5 business days of recordation of a NO_x allowance transfer under § 97.61, the Administrator will notify the NO_x authorized account representatives of both the transferor and transferee accounts.

(b) *Notification of non-recordation.* Within 10 business days of receipt of a NO_x allowance transfer that fails to meet the requirements of § 97.61(a), the Administrator will notify the NO_x authorized account representatives of both accounts subject to the transfer of:

- (1) A decision not to record the transfer; and
- (2) The reasons for such non-recordation.

(c) Nothing in this section shall preclude the submission of a NO_x allowance transfer for recordation following notification of non-recordation.

Subpart H—Monitoring and Reporting

§ 97.70 General requirements.

The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x Budget unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and in subpart H of part 75 of this chapter. For purposes of complying with such requirements, the definitions in § 97.2 and in § 72.2 of this chapter shall apply, and the terms “affected unit,” “designated representative,” and “continuous emission monitoring system” (or “CEMS”) in part 75 of this chapter shall be deemed to refer to the terms “NO_x Budget unit,” “NO_x authorized account representative,” and

“continuous emission monitoring system” (or “CEMS”) respectively, as defined in § 97.2. The owner or operator of a unit that is not a NO_x Budget unit but that is monitored under § 75.72(b)(2)(ii) of this chapter shall comply with the monitoring, record-keeping, and reporting requirements for a NO_x Budget unit under this part.

(a) *Requirements for installation, certification, and data accounting.* The owner or operator of each NO_x Budget unit shall meet the following requirements. These provisions shall also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in subpart I of this part:

(1) Install all monitoring systems required under this subpart for monitoring NO_x mass emissions. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input rate, and stack flow rate, in accordance with §§ 75.72 and 75.76 of this chapter.

(2) Install all monitoring systems for monitoring heat input rate.

(3) Successfully complete all certification tests required under § 97.71 and meet all other requirements of this subpart and part 75 of this chapter applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.

(4) Record, report, and quality-assure the data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

(b) *Compliance deadlines.* The owner or operator shall meet the certification and other requirements of paragraphs (a)(1) through (a)(3) of this section on or before the following dates. The owner or operator shall record, report and quality-assure the data from the monitoring systems under paragraphs (a)(1) and (a)(2) of this section on and after the following dates.

(1) For the owner or operator of a NO_x Budget unit for which the owner or operator intends to apply for early reduction credits under § 97.43, by May 1, 2001. If the owner or operator of a NO_x Budget unit fails to meet this deadline, he or she is not eligible to apply for early reduction credits and is

subject to the deadline under paragraph (b)(2) of this section.

(2) For the owner or operator of a NO_x Budget unit under § 97.4(a) that commences operation before January 1, 2003 and that is not subject to or does not meet the deadline under paragraph (b)(1) of this section, by May 1, 2003.

(3) For the owner or operator of a NO_x Budget unit under § 97.4(a)(1) that commences operation on or after January 1, 2003 and that reports on an annual basis under § 97.74(d) by the later of the following dates:

(i) May 1, 2003; or

(ii) 90 days after the date on which the unit commences commercial operation.

(4) For the owner or operator of a NO_x Budget unit under § 97.4(a)(1) that commences operation on or after January 1, 2003 and that reports on a control period basis under § 97.74(d)(2)(ii), by no later than 90 days after the date on which the unit commences commercial operation, provided that this date is during a control period. If this date does not occur during a control period, the applicable deadline is May 1 immediately following this date.

(5) For the owner or operator of a NO_x Budget unit under § 97.4(a)(2) that commences operation on or after January 1, 2003 and that reports on an annual basis under § 97.74(d), by the later of the following dates:

(i) May 1, 2003; or

(ii) 180 days after the date on which the unit commences operation.

(6) For the owner or operator of a NO_x Budget unit under § 97.4(a)(2) that commences operation on or after January 1, 2003 and that report on a control period basis under § 97.74(d)(2)(ii), by 180 days after the date on which the unit commences operation, provided that this date is during a control period. If this date does not occur during a control period, the applicable deadline is May 1 immediately following this date.

(7) For the owner or operator of a NO_x Budget unit that has a new stack or flue for which construction is completed after the applicable deadline under paragraph (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), or (b)(6) of this section or under subpart I of this part and that reports on an annual basis under § 97.74(d), by 90 days after the date on

which emissions first exit to the atmosphere through the new stack or flue.

(8) For the owner or operator of a NO_x Budget unit that has a new stack or flue for which construction is completed after the applicable deadline under paragraph (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), or (b)(6) of this section or under subpart I of this part and that reports on a control period basis under § 97.74(d)(2)(ii), by 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue, provided that this date is during a control period. If this date does not occur during the control period, the applicable deadline is May 1 immediately following this date.

(9) For the owner or operator of a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, by the date specified under subpart I of this part.

(c) *Reporting data prior to initial certification.* The owner or operator of a NO_x Budget unit under paragraph (b)(3), (b)(4), (b)(5), or (b)(6) of this section shall determine, record and report NO_x mass emissions, heat input rate, and any other values required to determine NO_x mass emissions (e.g., NO_x emission rate and heat input rate, or NO_x concentration and stack flow rate) in accordance with § 75.70(g) of this chapter, from the date and hour that the unit starts operating until the date and hour on which the continuous emission monitoring system, excepted monitoring system under appendix D or E of part 75 of this chapter, or excepted monitoring methodology under § 75.19 of this chapter is provisionally certified.

(d) *Prohibitions.* (1) No owner or operator of a NO_x Budget unit shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with § 97.75.

(2) No owner or operator of a NO_x Budget unit shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this subpart and

part 75 of this chapter, except as provided in § 75.74 of this chapter.

(3) No owner or operator of a NO_x Budget unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this subpart and part 75 of this chapter or except as provided in § 75.74 of this chapter.

(4) No owner or operator of a NO_x Budget unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this subpart, except under any one of the following circumstances:

(i) During the period that the unit is covered by an exemption under § 97.4(b) or § 97.5 that is in effect;

(ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subpart and part 75 of this chapter, by the permitting authority for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with § 97.71(b)(2).

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21530, Apr. 30, 2002]

§ 97.71 Initial certification and recertification procedures.

(a) The owner or operator of a NO_x Budget unit that is subject to an Acid Rain emissions limitation shall comply with the initial certification and recertification procedures of part 75 of this chapter, except that:

(1) If, prior to January 1, 1998, the Administrator approved a petition under § 75.17(a) or (b) of this chapter for apportioning the NO_x emission rate

measured in a common stack or a petition under §75.66 of this chapter for an alternative to a requirement in §75.17 of this chapter, the NO_x authorized account representative shall resubmit the petition to the Administrator under §97.75(a) to determine if the approval applies under the NO_x Budget Trading Program.

(2) For any additional CEMS required under the common stack provisions in §75.72 of this chapter or for any NO_x concentration CEMS used under the provisions of §75.71(a)(2) of this chapter, the owner or operator shall meet the requirements of paragraph (b) of this section.

(b) The owner or operator of a NO_x Budget unit that is not subject to an Acid Rain emissions limitation shall comply with the following initial certification and recertification procedures. The owner or operator of such a unit that qualifies to use the low mass emissions excepted monitoring methodology under §75.19 of this chapter or that qualifies to use an alternative monitoring system under subpart E of part 75 of this chapter shall comply with the following procedures, as modified by paragraph (c) or (d) of this section. The owner or operator of a NO_x Budget unit that is subject to an Acid Rain emissions limitation and that requires additional CEMS under the common stack provisions in §75.72 of this chapter or uses a NO_x concentration CEMS under §75.71(a)(2) of this chapter shall comply with the following procedures.

(1) *Requirements for initial certification.* The owner or operator shall ensure that each monitoring system required by subpart H of part 75 of this chapter (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under §75.20 of this chapter by the applicable deadline in §97.70(b). In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this part in a location where no such monitoring system was previously installed, initial certification in accordance with §75.20 of this chapter is required.

(2) *Requirements for recertification.* Whenever the owner or operator makes

a replacement, modification, or change in a certified monitoring system that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the requirements of §75.21 of this chapter or appendix B to part 75 of this chapter, the owner or operator shall recertify the monitoring system in accordance with §75.20(b) of this chapter. Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system in accordance with §75.20(b) of this chapter. Examples of changes that require recertification include: replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site.

(3) *Certification approval process for initial certification and recertification—*(i) *Notification of certification.* The NO_x authorized account representative shall submit to the Administrator, the appropriate EPA Regional Office and the permitting authority written notice of the dates of certification in accordance with §97.73.

(ii) *Certification application.* The NO_x authorized account representative shall submit to the Administrator, the appropriate EPA Regional Office and the permitting authority a certification application for each monitoring system required under subpart H of part 75 of this chapter. A complete certification application shall include the information specified in subpart H of part 75 of this chapter.

(iii) Except for units using the low mass emission excepted methodology under §75.19 of this chapter, the provisional certification date for a monitor shall be determined in accordance with §75.20(a)(3) of this chapter. A provisionally certified monitor may be used under the NO_x Budget Trading Program for a period not to exceed 120 days after receipt by the Administrator of the complete certification application for the monitoring system or component thereof under paragraph

(b)(3)(ii) of this section. Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of part 75 of this chapter, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Administrator does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of receipt of the complete certification application by the Administrator.

(iv) *Certification application formal approval process.* The Administrator will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under paragraph (b)(3)(ii) of this section. In the event the Administrator does not issue such a notice within such 120-day period, each monitoring system that meets the applicable performance requirements of part 75 of this chapter and is included in the certification application will be deemed certified for use under the NO_x Budget Trading Program.

(A) *Approval notice.* If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of part 75 of this chapter, then the Administrator will issue a written notice of approval of the certification application within 120 days of receipt.

(B) *Incomplete application notice.* A certification application will be considered complete when all of the applicable information required to be submitted under paragraph (b)(3)(ii) of this section has been received by the Administrator. If the certification application is not complete, then the Administrator will issue a written notice of incompleteness that sets a reasonable date by which the NO_x authorized account representative must submit the additional information required to complete the certification application. If the NO_x authorized account representative does not comply with the notice of incompleteness by the specified date, then the Administrator may issue a notice of disapproval under paragraph (b)(3)(iv)(C) of this section.

The 120-day review period shall not begin prior to receipt of a complete certification application.

(C) *Disapproval notice.* If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this part, or if the certification application is incomplete and the requirement for disapproval under paragraph (b)(3)(iv)(B) of this section has been met, then the Administrator will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Administrator and the data measured and recorded by each uncertified monitoring system or component thereof shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under § 75.20(a)(3) of this chapter). The owner or operator shall follow the procedures for loss of certification in paragraph (b)(3)(v) of this section for each monitoring system or component thereof that is disapproved for initial certification.

(D) *Audit decertification.* The Administrator may issue a notice of disapproval of the certification status of a monitor in accordance with § 97.72(b).

(v) *Procedures for loss of certification.* If the Administrator issues a notice of disapproval of a certification application under paragraph (b)(3)(iv)(C) of this section or a notice of disapproval of certification status under paragraph (b)(3)(iv)(D) of this section, then:

(A) The owner or operator shall substitute the following values, for each hour of unit operation during the period of invalid data specified under § 75.20(a)(4)(iii), § 75.20(b)(5), § 75.20(h)(4), or § 75.21(e) and continuing until the date and hour specified under § 75.20(a)(5)(i) of this chapter:

(I) For units that the owner or operator intends to monitor or monitors for NO_x emission rate and heat input rate or intends to determine or determines NO_x mass emissions using the low mass emission excepted methodology under § 75.19 of this chapter, the maximum potential NO_x emission rate and the maximum potential hourly heat input of the unit; and

(2) For units that the owner or operator intends to monitor or monitors for NO_x mass emissions using a NO_x pollutant concentration monitor and a flow monitor, the maximum potential concentration of NO_x and the maximum potential flow rate of the unit under section 2 of appendix A of part 75 of this chapter.

(B) The NO_x authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with paragraphs (b)(3)(i) and (ii) of this section.

(C) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Administrator's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.

(c) *Initial certification and recertification procedures for low mass emission units using the excepted methodologies under § 75.19 of this chapter.* The owner or operator of a gas-fired or oil-fired unit using the low mass emissions excepted methodology under § 75.19 of this chapter and not subject to an Acid Rain emissions limitation shall meet the applicable general operating requirements of § 75.10 of this chapter and the applicable requirements of § 75.19 of this chapter. The owner or operator of such a unit shall also meet the applicable certification and recertification procedures of paragraph (b) of this section, except that the excepted methodology shall be deemed provisionally certified for use under the NO_x Budget Trading Program as of the following dates:

(i) For a unit that does not have monitoring equipment initially certified or recertified for the NO_x Budget Trading Program as of the date on which the NO_x authorized account representative submits the certification application under § 75.19 of this chapter for the unit, starting on the date of such submission until the completion of the period for the Administrator's review.

(ii) For a unit that has monitoring equipment initially certified or recertified for the NO_x Budget Trading Program as of the date on which the NO_x

authorized account representative submits the certification application under § 75.19 of this chapter for the unit and that reports data on an annual basis under § 97.74(d), starting January 1 of the year after the year of such submission until the completion of the period for the Administrator's review.

(iii) For a unit that has monitoring equipment initially certified or recertified for the NO_x Budget Trading Program as of the date on which the NO_x Authorized Account Representative submits the certification application under § 75.19 of this chapter for the unit and that reports on a control season basis under § 97.74(d), starting May 1 of the control period after the year of such submission until the completion of the period for the Administrator's review.

(d) *Certification/recertification procedures for alternative monitoring systems.* The NO_x authorized account representative of each unit not subject to an Acid Rain emissions limitation for which the owner or operator intends to use an alternative monitoring system approved by the Administrator under subpart E of part 75 of this chapter shall comply with the applicable certification procedures of paragraph (b) of this section before using the system under the NO_x Budget Trading Program. The NO_x authorized account representative shall also comply with the applicable recertification procedures of paragraph (b) of this section. Section 75.20(f) of this chapter shall apply to such alternative monitoring system.

§ 97.72 Out of control periods.

(a) Whenever any monitoring system fails to meet the quality assurance or data validation requirements of part 75 of this chapter, data shall be substituted using the applicable procedures in subpart D, appendix D, or appendix E of part 75 of this chapter.

(b) *Audit decertification.* Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any system or component should not have been certified or recertified because it did not meet a particular performance specification or other requirement under § 97.71 or the applicable provisions of part 75 of this chapter,

both at the time of the initial certification or recertification application submission and at the time of the audit, the Administrator will issue a notice of disapproval of the certification status of such system or component. For the purposes of this paragraph, an audit shall be either a field audit or an audit of any information submitted to the permitting authority or the Administrator. By issuing the notice of disapproval, the Administrator revokes prospectively the certification status of the system or component. The data measured and recorded by the system or component shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the system or component.

§ 97.73 Notifications.

(a) The NO_x authorized account representative for a NO_x Budget unit shall submit written notice to the Administrator, the appropriate EPA Regional Office, and the permitting authority in accordance with § 75.61 of this chapter.

(b) For any unit that does not have an Acid Rain emissions limitation, the permitting authority may waive the requirement to notify the permitting authority in paragraph (a) of this section.

§ 97.74 Recordkeeping and reporting.

(a) *General provisions.* (1) The NO_x authorized account representative shall comply with all recordkeeping and reporting requirements in this section and with the requirements of § 97.10(e)(1).

(2) If the NO_x authorized account representative for a NO_x Budget unit subject to an Acid Rain emission limitation who signed and certified any submission that is made under subpart F or G of part 75 of this chapter and that includes data and information required under this subpart or subpart H of part 75 of this chapter is not the same person as the designated representative or the alternative designated representative for the unit under part 72 of this chapter, then the submission must also

be signed by the designated representative or the alternative designated representative.

(b) *Monitoring plans.* (1) The owner or operator of a unit subject to an Acid Rain emissions limitation shall comply with requirements of § 75.62 of this chapter, except that the monitoring plan shall also include all of the information required by subpart H of part 75 of this chapter.

(2) The owner or operator of a unit that is not subject to an Acid Rain emissions limitation shall comply with requirements of § 75.62 of this chapter, except that the monitoring plan is only required to include the information required by subpart H of part 75 of this chapter.

(c) *Certification applications.* The NO_x authorized account representative shall submit an application to the Administrator, the appropriate EPA Regional Office, and the permitting authority within 45 days after completing all initial certification or recertification tests required under § 97.71 including the information required under subpart H of part 75 of this chapter.

(d) *Quarterly reports.* The NO_x authorized account representative shall submit quarterly reports, as follows:

(1) If a unit is subject to an Acid Rain emission limitation or if the owner or operator of the NO_x budget unit chooses to meet the annual reporting requirements of this subpart H, the NO_x authorized account representative shall submit a quarterly report for each calendar quarter beginning with:

(i) For a unit for which the owner or operator intends to apply or applies for the early reduction credits under § 97.43, the calendar quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii) or § 97.71(c). Data shall be recorded and reported from the date and hour corresponding to the date and hour of provisional certification; or

(ii) For a unit that commences operation on or before May 1, 2003 and that is not subject to paragraph (d)(1)(i) of this section, the earlier of the calendar quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii) or § 97.71(c) or, if the certification tests are not completed by May 1, 2003, the calendar quarter

covering May 1, 2003 through June 30, 2003. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2003; or

(iii) For a unit that commences operation after May 1, 2003, the calendar quarter in which the unit commences operation. Data shall be recorded and reported from the date and hour corresponding to when the unit commences operation.

(2) If a NO_x budget unit is not subject to an Acid Rain emission limitation, then the NO_x authorized account representative shall either:

(i) Meet all of the requirements of part 75 related to monitoring and reporting NO_x mass emissions during the entire year and meet the deadlines specified in paragraph (d)(1) of this section; or

(ii) Submit quarterly reports covering the period May 1 through September 30 of each year and including the data described in § 75.74(c)(6) of this chapter. The NO_x authorized account representative shall submit such quarterly reports, beginning with:

(A) For a unit for which the owner or operator intends to apply or applies for early reduction credits under § 97.43, the calendar quarter that includes the date of initial provisional certification under § 97.71(b)(3)(iii) or § 97.71(c). Data shall be recorded and reported from the date and hour corresponding to the date and hour of provisional certification; or

(B) For a unit that commences operation on or before May 1, 2003 and that is not subject to paragraph (d)(2)(i) of this section, the calendar quarter covering May 1, 2003 through June 30, 2003. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of initial provisional certification under § 97.71(b)(3)(iii) or § 97.71(c) or the first hour of May 1, 2003; or

(C) For a unit that commences operation after May 1, 2003 and during a control period, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commences operation; or

(D) For a unit that commences operation after May 1, 2003 and not during a control period, the calendar quarter covering the first control period after the unit commences operation. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of initial provisional certification under § 97.71(b)(3)(iii) or § 97.71(c) or the first hour of May 1 of the first control period after the unit commences operation.

(3) The NO_x authorized account representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in subpart H of part 75 of this chapter and § 75.64 of this chapter.

(i) For units subject to an Acid Rain emissions limitation, quarterly reports shall include all of the data and information required in subpart H of part 75 of this chapter for each NO_x Budget unit (or group of units using a common stack) and the data and information required in subpart G of part 75 of this chapter.

(ii) For units not subject to an Acid Rain emissions limitation, quarterly reports are only required to include all of the data and information required in subpart H of part 75 of this chapter for each NO_x Budget unit (or group of units using a common stack).

(4) *Compliance certification.* The NO_x authorized account representative shall submit to the Administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this subpart and part 75 of this chapter, including the quality assurance procedures and specifications;

(ii) For a unit with add-on NO_x emission controls and for all hours where data are substituted in accordance with § 75.34(a)(1) of this chapter, the

§ 97.75

add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B of part 75 of this chapter and the substitute values do not systematically underestimate NO_x emissions; and

(iii) For a unit that is reporting on a control period basis under paragraph (d)(2)(ii) of this section, the NO_x emission rate and NO_x concentration values substituted for missing data under subpart D of part 75 of this chapter are calculated using only values from a control period and do not systematically underestimate NO_x emissions.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21530, Apr. 30, 2002]

§ 97.75 Petitions.

(a) The NO_x authorized account representative of a NO_x Budget unit may submit a petition under § 75.66 of this chapter to the Administrator requesting approval to apply an alternative to any requirement of this subpart.

(b) Application of an alternative to any requirement of this subpart is in accordance with this subpart only to the extent that the petition is approved by the Administrator under § 75.66 of this chapter.

§ 97.76 Additional requirements to provide heat input data.

The owner or operator of a NO_x Budget unit that monitors and reports NO_x mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input rate at the unit level using the procedures set forth in part 75 of this chapter.

Subpart I—Individual Unit Opt-ins.

§ 97.80 Applicability.

A unit that is in a State (as defined in § 97.2), is not a NO_x Budget unit under § 97.4(a), is not a unit exempt under § 97.4(b), vents all of its emissions to a stack, and is operating, may qualify to be a NO_x Budget opt-in unit under this subpart. A unit that is a NO_x Budget unit under § 97.4(a), is covered by an exemption under § 97.4(b) or § 97.5 that is in effect, or is not oper-

40 CFR Ch. I (7–1–02 Edition)

ating is not eligible to be a NO_x Budget opt-in unit.

§ 97.81 General.

Except otherwise as provided in this part, a NO_x Budget opt-in unit shall be treated as a NO_x Budget unit for purposes of applying subparts A through H of this part.

§ 97.82 NO_x authorized account representative.

A unit for which an application for a NO_x Budget opt-in permit is submitted, or a NO_x Budget opt-in unit, located at the same source as one or more NO_x Budget units, shall have the same NO_x authorized account representative as such NO_x Budget units.

§ 97.83 Applying for NO_x Budget opt-in permit.

(a) *Applying for initial NO_x Budget opt-in permit.* In order to apply for an initial NO_x Budget opt-in permit, the NO_x authorized account representative of a unit qualified under § 97.80 may submit to the Administrator and the permitting authority at any time, except as provided under § 97.86(g):

(1) A complete NO_x Budget permit application under § 97.22;

(2) A monitoring plan submitted in accordance with subpart H of this part; and

(3) A complete account certificate of representation under § 97.13, if no NO_x authorized account representative has been previously designated for the unit.

(b) *Duty to reapply.* Unless the NO_x Budget opt-in permit is terminated or revised under § 97.86(e) or § 97.87(b)(1)(i), the NO_x authorized account representative of a NO_x Budget opt-in unit shall submit to the Administrator and permitting authority a complete NO_x Budget permit application under § 97.22 to renew the NO_x Budget opt-in permit in accordance with § 97.21(c) and, if applicable, an updated monitoring plan in accordance with subpart H of this part.

§ 97.84 Opt-in process.

The permitting authority will issue or deny an initial NO_x Budget opt-in permit for a unit for which an application for a NO_x Budget opt-in permit

under § 97.83 is submitted, in accordance with § 97.20 and the following:

(a) *Interim review of monitoring plan.* The Administrator will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO_x Budget opt-in permit under § 97.83. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO_x emissions rate and heat input rate of the unit are monitored and reported in accordance with subpart H of this part. A determination of sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.

(b) If the Administrator determines that the unit's monitoring plan is sufficient under paragraph (a) of this section and after completion of monitoring system certification under subpart H of this part, the NO_x emissions rate and the heat input of the unit shall be monitored and reported in accordance with subpart H of this part for one full control period during which percent monitor data availability is not less than 90 percent and during which the unit is in full compliance with any applicable State or Federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a "NO_x Budget unit" prior to issuance of a NO_x Budget opt-in permit covering the unit.

(c) Based on the information monitored and reported under paragraph (b) of this section, the Administrator will calculate the unit's baseline heat input, which will equal the unit's total heat input (in mmBtu) for the control period, and the unit's baseline NO_x emissions rate, which will equal the unit's total NO_x mass emissions (in lb) for the control period divided by the unit's baseline heat input.

(d) *Issuance of draft NO_x Budget opt-in permit for public comment.* The permitting authority will issue a draft NO_x Budget opt-in permit for public comment in accordance with § 97.20.

(e) Notwithstanding paragraphs (a) through (d) of this section, if at any time before issuance of a draft NO_x Budget opt-in permit for public comment for the unit, the Administrator

or the permitting authority determines that the unit does not qualify as a NO_x Budget opt-in unit under § 97.80, the permitting authority will issue a draft denial of a NO_x Budget opt-in permit for public comment for the unit in accordance with § 97.20.

(f) *Withdrawal of application for NO_x Budget opt-in permit.* A NO_x authorized account representative of a unit may withdraw its application for an initial NO_x Budget opt-in permit under § 97.83 at any time prior to the issuance of the initial NO_x Budget opt-in permit. Once the application for a NO_x Budget opt-in permit is withdrawn, a NO_x authorized account representative wanting to re-apply must submit a new application for an initial NO_x Budget permit under § 97.83.

(g) The unit shall be a NO_x Budget opt-in unit and a NO_x Budget unit starting May 1 of the first control period starting after the issuance of the initial NO_x Budget opt-in permit by the permitting authority.

§ 97.85 NO_x Budget opt-in permit contents.

(a) Each NO_x Budget opt-in permit will contain all elements required for a complete NO_x Budget opt-in permit application under § 97.22.

(b) Each NO_x Budget opt-in permit is deemed to incorporate automatically the definitions of terms under § 97.2 and, upon recordation by the Administrator under subpart F or G of this part, every allocation, transfer, or deduction of NO_x allowances to or from the compliance accounts of each NO_x Budget opt-in unit covered by the NO_x Budget opt-in permit or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in unit is located.

§ 97.86 Withdrawal from NO_x Budget Trading Program.

(a) *Requesting withdrawal.* To withdraw from the NO_x Budget Trading Program, the NO_x authorized account representative of a NO_x Budget opt-in unit shall submit to the Administrator and the permitting authority a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no

later than 90 days prior to the requested effective date of withdrawal.

(b) *Conditions for withdrawal.* Before a NO_x Budget opt-in unit covered by a request under paragraph (a) of this section may withdraw from the NO_x Budget Trading Program and the NO_x Budget opt-in permit may be terminated under paragraph (e) of this section, the following conditions must be met:

(1) For the control period immediately before the withdrawal is to be effective, the NO_x authorized account representative must submit or must have submitted to the Administrator and the permitting authority an annual compliance certification report in accordance with § 97.30.

(2) If the NO_x Budget opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, the Administrator will deduct or has deducted from the NO_x Budget opt-in unit's compliance account, or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in unit is located, the full amount required under § 97.54(d) for the control period.

(3) After the requirements for withdrawal under paragraphs (b)(1) and (2) of this section are met, the Administrator will deduct from the NO_x Budget opt-in unit's compliance account, or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in unit is located, NO_x allowances equal in number to and allocated for the same or a prior control period as any NO_x allowances allocated to that source under § 97.88 for any control period for which the withdrawal is to be effective. The Administrator will close the NO_x Budget opt-in unit's compliance account and transfer any remaining allowances to a general account specified by the owners and operators of the NO_x Budget opt-in unit.

(c) A NO_x Budget opt-in unit that withdraws from the NO_x Budget Trading Program shall comply with all requirements under the NO_x Budget Trading Program concerning all years for which such NO_x Budget opt-in unit was a NO_x Budget opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

(d) *Notification.* (1) After the requirements for withdrawal under paragraphs (a) and (b) of this section are met (including deduction of the full amount of NO_x allowances required), the Administrator will issue a notification to the permitting authority and the NO_x authorized account representative of the NO_x Budget opt-in unit of the acceptance of the withdrawal of the NO_x Budget opt-in unit as of a specified effective date that is after such requirements have been met and that is prior to May 1 or after September 30.

(2) If the requirements for withdrawal under paragraphs (a) and (b) of this section are not met, the Administrator will issue a notification to the permitting authority and the NO_x authorized account representative of the NO_x Budget opt-in unit that the request to withdraw is denied. If the NO_x Budget opt-in unit's request to withdraw is denied, the NO_x Budget opt-in unit shall remain subject to the requirements for a NO_x Budget opt-in unit.

(e) *Permit revision.* After the Administrator issues a notification under paragraph (d)(1) of this section that the requirements for withdrawal have been met, the permitting authority will revise the NO_x Budget permit covering the NO_x Budget opt-in unit to terminate the NO_x Budget opt-in permit as of the effective date specified under paragraph (d)(1) of this section. A NO_x Budget opt-in unit shall continue to be a NO_x Budget opt-in unit until the effective date of the termination.

(f) *Reapplication upon failure to meet conditions of withdrawal.* If the Administrator denies the request to withdraw the NO_x Budget opt-in unit, the NO_x authorized account representative may submit another request to withdraw in accordance with paragraphs (a) and (b) of this section.

(g) *Ability to return to the NO_x Budget Trading Program.* Once a NO_x Budget opt-in unit withdraws from the NO_x Budget Trading Program and its NO_x Budget opt-in permit is terminated under paragraph (e) of this section, the NO_x authorized account representative may not submit another application for a NO_x Budget opt-in permit under § 97.83 for the unit prior to the date that is 4 years after the date on which

the terminated NO_x Budget opt-in permit became effective.

§ 97.87 Change in regulatory status.

(a) *Notification.* When a NO_x Budget opt-in unit becomes a NO_x Budget unit under § 97.4(a), the NO_x authorized account representative shall notify in writing the permitting authority and the Administrator of such change in the NO_x Budget opt-in unit's regulatory status, within 30 days of such change.

(b) *Permitting authority's and Administrator's action.* (1)(i) When the NO_x Budget opt-in unit becomes a NO_x Budget unit under § 97.4(a), the permitting authority will revise the NO_x Budget opt-in unit's NO_x Budget opt-in permit to meet the requirements of a NO_x Budget permit under § 97.23 as of an effective date that is the date on which such NO_x Budget opt-in unit becomes a NO_x Budget unit under § 97.4(a).

(ii)(A) The Administrator will deduct from the compliance account for the NO_x Budget unit under paragraph (b)(1)(i) of this section, or the overdraft account of the NO_x Budget source where the unit is located, NO_x allowances equal in number to and allocated for the same or a prior control period as:

(1) Any NO_x allowances allocated to the NO_x Budget unit (as a NO_x Budget opt-in unit) under § 97.88 for any control period after the last control period during which the unit's NO_x Budget opt-in permit was effective; and

(2) If the effective date of the NO_x Budget permit revision under paragraph (b)(1)(i) of this section is during a control period, the NO_x allowances allocated to the NO_x Budget unit (as a NO_x Budget opt-in unit) under § 97.88 for the control period multiplied by the number of days in the control period starting with the effective date of the permit revision under paragraph (b)(1)(i) of this section, divided by the total number of days in the control period, and rounded to the nearest whole number of NO_x allowances as appropriate.

(B) The NO_x authorized account representative shall ensure that the compliance account of the NO_x Budget unit under paragraph (b)(1)(i) of this sec-

tion, or the overdraft account of the NO_x Budget source where the unit is located, contains the NO_x allowances necessary for completion of the deduction under paragraph (b)(1)(ii)(A) of this section. If the compliance account or overdraft account does not contain the necessary NO_x allowances, the Administrator will deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

(iii)(A) For every control period during which the NO_x Budget permit revised under paragraph (b)(1)(i) of this section is in effect, the NO_x Budget unit under paragraph (b)(1)(i) of this section will be treated, solely for purposes of NO_x allowance allocations under § 97.42, as a unit that commenced operation on the effective date of the NO_x Budget permit revision under paragraph (b)(1)(i) of this section and will be allocated NO_x allowances under § 97.42. The unit's deadline under § 97.84(b) for meeting monitoring requirements in accordance with subpart H of this part shall not be changed by the change in the unit's regulatory status or by the revision of the NO_x Budget permit under paragraph (b)(1)(i) of this section.

(B) Notwithstanding paragraph (b)(1)(iii)(A) of this section, if the effective date of the NO_x Budget permit revision under paragraph (b)(1)(i) of this section is during a control period, the following number of NO_x allowances will be allocated to the NO_x Budget unit under paragraph (b)(1)(i) of this section under § 97.42 for the control period: the number of NO_x allowances otherwise allocated to the NO_x Budget unit under § 97.42 for the control period multiplied by the number of days in the control period starting with the effective date of the permit revision under paragraph (b)(1)(i) of this section, divided by the total number of days in the control period, and rounded to the nearest whole number of NO_x allowances as appropriate.

(2)(i) When the NO_x authorized account representative of a NO_x Budget opt-in unit does not renew its NO_x Budget opt-in permit under § 97.83(b), the Administrator will deduct from the NO_x Budget opt-in unit's compliance

account, or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in unit is located, NO_x allowances equal in number to and allocated for the same or a prior control period as any NO_x allowances allocated to the NO_x Budget opt-in unit under § 97.88 for any control period after the last control period for which the NO_x Budget opt-in permit is effective. The NO_x authorized account representative shall ensure that the NO_x Budget opt-in unit's compliance account or the overdraft account of the NO_x Budget source where the NO_x Budget opt-in unit is located contains the NO_x allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain the necessary NO_x allowances, the Administrator will deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

(ii) After the deduction under paragraph (b)(2)(i) of this section is completed, the Administrator will close the NO_x Budget opt-in unit's compliance account. If any NO_x allowances remain in the compliance account after completion of such deduction and any deduction under § 97.54, the Administrator will close the NO_x Budget opt-in unit's compliance account and transfer any remaining allowances to a general account specified by the owners and operators of the NO_x Budget opt-in unit.

§ 97.88 NO_x allowance allocations to opt-in units.

(a) *NO_x allotment allocation.* (1) By April 1 immediately before the first control period for which the NO_x Budget opt-in permit is effective, the Administrator will determine by order the NO_x allowance allocations for the NO_x Budget opt-in unit for the control period in accordance with paragraph (b) of this section.

(2) By no later than April 1, after the first control period for which the NO_x

Budget opt-in permit is in effect, and April 1 of each year thereafter, the Administrator will determine by order the NO_x allowance allocations for the NO_x Budget opt-in unit for the next control period, in accordance with paragraph (b) of this section.

(3) The Administrator will make available to the public each determination of NO_x allowance allocations under paragraph (a)(1) or (2) of this section and will provide an opportunity for submission of objections to the determination. Objections shall be limited to addressing whether the determination is in accordance with paragraph (b) of this section. Based on any such objections, the Administrator will adjust each determination to the extent necessary to ensure that it is in accordance with paragraph (b) of this section.

(b) For each control period for which the NO_x Budget opt-in unit has an approved NO_x Budget opt-in permit, the NO_x Budget opt-in unit will be allocated NO_x allowances in accordance with the following procedures:

(1) The heat input (in mmBtu) used for calculating NO_x allowance allocations will be the lesser of:

(i) The unit's baseline heat input determined pursuant to § 97.84(c); or

(ii) The unit's heat input, as determined in accordance with subpart H of this part, for the control period in the year prior to the year of the control period for which the NO_x allocations are being calculated.

(2) The Administrator will allocate NO_x allowances to the unit in an amount equaling the heat input determined under paragraph (b)(1) of this section multiplied by the lesser of the unit's baseline NO_x emissions rate determined under § 97.84(c) or the most stringent State or federal NO_x emissions limitation applicable to the unit during the control period, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

APPENDIX A TO PART 97—FINAL SECTION 126 RULE: EGU ALLOCATIONS, 2004–2007

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
DC	BENNING	603	15	80
DC	BENNING	603	16	117
DE	CHRISTIANA SUB	591	11	5

Environmental Protection Agency

Pt. 97, App. A

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
DE	CHRISTIANA SUB	591	14	5
DE	DELAWARE CITY	52193	B4	141
DE	DELAWARE CITY	52193	ST_1	155
DE	DELAWARE CITY	52193	ST_2	159
DE	DELAWARE CITY	52193	ST_3	158
DE	EDGE MOOR	593	3	234
DE	EDGE MOOR	593	4	401
DE	EDGE MOOR	593	5	602
DE	HAY ROAD	7153	**3	184
DE	HAY ROAD	7153	—1	235
DE	HAY ROAD	7153	—2	207
DE	INDIAN RIVER	594	1	187
DE	INDIAN RIVER	594	2	194
DE	INDIAN RIVER	594	3	369
DE	INDIAN RIVER	594	4	729
DE	MCKEE RUN	599	3	119
DE	VAN SANT STATION	7318	**11	7
IN	ANDERSON	7336	—ACT1	5
IN	ANDERSON	7336	—ACT2	5
IN	CLIFTY CREEK	983	1	558
IN	CLIFTY CREEK	983	2	543
IN	CLIFTY CREEK	983	3	564
IN	CLIFTY CREEK	983	4	525
IN	CLIFTY CREEK	983	5	561
IN	CLIFTY CREEK	983	6	509
IN	CONNERSVILLE	1002	1	1
IN	CONNERSVILLE	1002	2	1
IN	GALLAGHER	1008	1	290
IN	GALLAGHER	1008	2	276
IN	GALLAGHER	1008	3	347
IN	GALLAGHER	1008	4	329
IN	NOBLESVILLE	1007	1	48
IN	NOBLESVILLE	1007	2	45
IN	NOBLESVILLE	1007	3	45
IN	RICHMOND	7335	—RCT1	5
IN	RICHMOND	7335	—RCT2	5
IN	TANNERS CREEK	988	U1	297
IN	TANNERS CREEK	988	U2	235
IN	TANNERS CREEK	988	U3	387
IN	TANNERS CREEK	988	U4	906
IN	WHITEWATER VALLEY	1040	1	74
IN	WHITEWATER VALLEY	1040	2	173
KY	BIG SANDY	1353	BSU1	565
KY	BIG SANDY	1353	BSU2	1,741
KY	CANE RUN	1363	4	397
KY	CANE RUN	1363	5	332
KY	CANE RUN	1363	6	430
KY	COOPER	1384	1	183
KY	COOPER	1384	2	367
KY	DALE	1385	3	161
KY	DALE	1385	4	158
KY	E W BROWN	1355	1	193
KY	E W BROWN	1355	10	37
KY	E W BROWN	1355	2	317
KY	E W BROWN	1355	3	863
KY	E W BROWN	1355	8	34
KY	E W BROWN	1355	9	34
KY	E.W. BROWN	1355	11	21
KY	EAST BEND	6018	2	1,413
KY	GHENT	1356	1	1,232
KY	GHENT	1356	2	1,081
KY	GHENT	1356	3	1,104
KY	GHENT	1356	4	1,132
KY	H L SPURLOCK	6041	1	697
KY	H L SPURLOCK	6041	2	1,589
KY	MILL CREEK	1364	1	528
KY	MILL CREEK	1364	2	600
KY	MILL CREEK	1364	3	941
KY	MILL CREEK	1364	4	1,096
KY	PADDY'S RUN	1366	12	8
KY	PINEVILLE	1360	3	67
KY	TRIMBLE COUNTY	6071	1	1,221
KY	TYRONE	1361	1	3

Pt. 97, App. A

40 CFR Ch. I (7–1–02 Edition)

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
KY	TYRONE	1361	2	3
KY	TYRONE	1361	3	3
KY	TYRONE	1361	4	3
KY	TYRONE	1361	5	117
MD	BRANDON SHORES	602	1	1,827
MD	BRANDON SHORES	602	2	1,713
MD	C P CRANE	1552	1	434
MD	C P CRANE	1552	2	463
MD	CHALK POINT	1571	—GT2	1
MD	CHALK POINT	1571	—GT3	36
MD	CHALK POINT	1571	—GT4	39
MD	CHALK POINT	1571	—GT5	55
MD	CHALK POINT	1571	—GT6	60
MD	CHALK POINT	1571	—SGT1	24
MD	CHALK POINT	1571	1	833
MD	CHALK POINT	1571	2	861
MD	CHALK POINT	1571	3	585
MD	CHALK POINT	1571	4	522
MD	DICKERSON	1572	—GT2	36
MD	DICKERSON	1572	—GT3	66
MD	DICKERSON	1572	1	447
MD	DICKERSON	1572	2	441
MD	DICKERSON	1572	3	481
MD	GOULD STREET	1553	3	81
MD	HERBERT A WAGNER	1554	1	134
MD	HERBERT A WAGNER	1554	2	399
MD	HERBERT A WAGNER	1554	3	723
MD	HERBERT A WAGNER	1554	4	301
MD	MORGANTOWN	1573	—GT3	9
MD	MORGANTOWN	1573	—GT4	9
MD	MORGANTOWN	1573	—GT5	9
MD	MORGANTOWN	1573	—GT6	8
MD	MORGANTOWN	1573	1	1,151
MD	MORGANTOWN	1573	2	1,375
MD	PANDA BRANDYWINE	54832	1	95
MD	PANDA BRANDYWINE	54832	2	84
MD	PERRYMAN	1556	**51	56
MD	PERRYMAN	1556	—GT1	8
MD	PERRYMAN	1556	—GT2	9
MD	PERRYMAN	1556	—GT3	6
MD	PERRYMAN	1556	—GT4	10
MD	R P SMITH	1570	11	143
MD	R P SMITH	1570	9	11
MD	RIVERSIDE	1559	—GT6	11
MD	RIVERSIDE	1559	4	40
MD	VIENNA	1564	8	169
MD	WESTPORT	1560	—GT5	28
MI	ADA COGEN LTD	10819	CA Ltd	23
MI	BELLE RIVER	6034	1	1,589
MI	BELLE RIVER	6034	2	1,672
MI	DAN E KARN	1702	1	552
MI	DAN E KARN	1702	2	530
MI	DAN E KARN	1702	3	288
MI	DAN E KARN	1702	4	310
MI	ECKERT STATION	1831	1	52
MI	ECKERT STATION	1831	2	47
MI	ECKERT STATION	1831	3	65
MI	ECKERT STATION	1831	4	116
MI	ECKERT STATION	1831	5	154
MI	ECKERT STATION	1831	6	131
MI	ENDICOTT GENERATING STATION	4259	1	98
MI	ERICKSON	1832	1	381
MI	GREENWOOD	6035	1	373
MI	HANCOCK	1730	5	3
MI	HANCOCK	1730	6	3
MI	HARBOR BEACH	1731	1	97
MI	J C WEADOCK	1720	7	346
MI	J C WEADOCK	1720	8	342
MI	J R WHITING	1723	1	225
MI	J R WHITING	1723	2	204
MI	J R WHITING	1723	3	249
MI	JAMES DE YOUNG	1830	5	69
MI	MARYSVILLE	1732	10	22

Environmental Protection Agency

Pt. 97, App. A

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
MI	MARYSVILLE	1732	11	16
MI	MARYSVILLE	1732	12	17
MI	MARYSVILLE	1732	9	17
MI	MIDLAND COGENERATION VENTURE	10745	003	269
MI	MIDLAND COGENERATION VENTURE	10745	004	276
MI	MIDLAND COGENERATION VENTURE	10745	005	271
MI	MIDLAND COGENERATION VENTURE	10745	006	273
MI	MIDLAND COGENERATION VENTURE	10745	007	280
MI	MIDLAND COGENERATION VENTURE	10745	008	277
MI	MIDLAND COGENERATION VENTURE	10745	009	273
MI	MIDLAND COGENERATION VENTURE	10745	010	271
MI	MIDLAND COGENERATION VENTURE	10745	011	274
MI	MIDLAND COGENERATION VENTURE	10745	012	269
MI	MIDLAND COGENERATION VENTURE	10745	013	275
MI	MIDLAND COGENERATION VENTURE	10745	014	269
MI	MISTERSKY	1822	5	33
MI	MISTERSKY	1822	6	155
MI	MISTERSKY	1822	7	98
MI	MONROE	1733	1	1,902
MI	MONROE	1733	2	1,555
MI	MONROE	1733	3	1,574
MI	MONROE	1733	4	1,822
MI	RIVER ROUGE	1740	1	0
MI	RIVER ROUGE	1740	2	627
MI	RIVER ROUGE	1740	3	652
MI	ROUGE POWERHOUSE #1	10272	1	232
MI	ST CLAIR	1743	1	339
MI	ST CLAIR	1743	2	304
MI	ST CLAIR	1743	3	351
MI	ST CLAIR	1743	4	349
MI	ST CLAIR	1743	5	0
MI	ST CLAIR	1743	6	646
MI	ST CLAIR	1743	7	733
MI	TRENTON CHANNEL	1745	16	132
MI	TRENTON CHANNEL	1745	17	124
MI	TRENTON CHANNEL	1745	18	130
MI	TRENTON CHANNEL	1745	19	126
MI	TRENTON CHANNEL	1745	9A	968
MI	WYANDOTTE	1866	5	8
MI	WYANDOTTE	1866	7	81
MI	WYANDOTTE	1866	8	36
NC	ASHEVILLE	2706	1	491
NC	ASHEVILLE	2706	2	479
NC	BELEWS CREEK	8042	1	2,306
NC	BELEWS CREEK	8042	2	2,688
NC	BUCK	2720	5	59
NC	BUCK	2720	6	65
NC	BUCK	2720	7	69
NC	BUCK	2720	8	284
NC	BUCK	2720	9	300
NC	BUTLER WARNER GEN PL	1016	—1	40
NC	BUTLER WARNER GEN PL	1016	—2	40
NC	BUTLER WARNER GEN PL	1016	—3	40
NC	BUTLER WARNER GEN PL	1016	—6	42
NC	BUTLER WARNER GEN PL	1016	—7	40
NC	BUTLER WARNER GEN PL	1016	—8	40
NC	BUTLER WARNER GEN PL	1016	—9	103
NC	CAPE FEAR	2708	5	255
NC	CAPE FEAR	2708	6	361
NC	CLIFFSIDE	2721	1	67
NC	CLIFFSIDE	2721	2	73
NC	CLIFFSIDE	2721	3	95
NC	CLIFFSIDE	2721	4	107
NC	CLIFFSIDE	2721	5	1,180
NC	COGENTRIX-ROCKY MOUNT	50468	ST_unt	303
NC	COGENTRIX ELIZABETHTOWN	10380	ST_OWN	111
NC	COGENTRIX KENANSVILLE	10381	ST_LLE	102
NC	COGENTRIX LUMBERTON	10382	ST_TON	111
NC	COGENTRIX ROXBORO	10379	ST_ORO	166
NC	COGENTRIX SOUTHPORT	10378	ST_ORT	335
NC	DAN RIVER	2723	1	117
NC	DAN RIVER	2723	2	128
NC	DAN RIVER	2723	3	271

Pt. 97, App. A

40 CFR Ch. I (7–1–02 Edition)

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
NC	G G ALLEN	2718	1	311
NC	G G ALLEN	2718	2	316
NC	G G ALLEN	2718	3	525
NC	G G ALLEN	2718	4	470
NC	G G ALLEN	2718	5	514
NC	L V SUTTON	2713	1	162
NC	L V SUTTON	2713	2	176
NC	L V SUTTON	2713	3	717
NC	L V SUTTON	2713	CT2B	2
NC	LEE	2709	1	129
NC	LEE	2709	2	142
NC	LEE	2709	3	414
NC	LEE	2709	CT4	1
NC	LINCOLN	7277	1	33
NC	LINCOLN	7277	10	31
NC	LINCOLN	7277	11	33
NC	LINCOLN	7277	12	31
NC	LINCOLN	7277	13	26
NC	LINCOLN	7277	14	26
NC	LINCOLN	7277	15	25
NC	LINCOLN	7277	16	25
NC	LINCOLN	7277	2	33
NC	LINCOLN	7277	3	31
NC	LINCOLN	7277	4	31
NC	LINCOLN	7277	5	29
NC	LINCOLN	7277	6	30
NC	LINCOLN	7277	7	24
NC	LINCOLN	7277	8	25
NC	LINCOLN	7277	9	32
NC	MARSHALL	2727	1	899
NC	MARSHALL	2727	2	940
NC	MARSHALL	2727	3	1,588
NC	MARSHALL	2727	4	1,570
NC	MAYO	6250	1A	893
NC	MAYO	6250	1B	875
NC	PANDA-ROSEMARY	50555	CT_ary	62
NC	PANDA-ROSEMARY	50555	CW_ary	47
NC	RIVERBEND	2732	10	266
NC	RIVERBEND	2732	7	193
NC	RIVERBEND	2732	8	200
NC	RIVERBEND	2732	9	253
NC	ROANOKE VALLEY	50254	1	440
NC	ROANOKE VALLEY	50254	2	140
NC	ROXBORO	2712	1	766
NC	ROXBORO	2712	2	1,426
NC	ROXBORO	2712	3A	792
NC	ROXBORO	2712	3B	785
NC	ROXBORO	2712	4A	778
NC	ROXBORO	2712	4B	733
NC	TOBACCOVILLE	50221	1	53
NC	TOBACCOVILLE	50221	2	53
NC	TOBACCOVILLE	50221	3	53
NC	TOBACCOVILLE	50221	4	53
NC	UNC—CHAPEL HILL	54276	ST_ill	14
NC	W H WEATHERSPOON	2716	1	76
NC	W H WEATHERSPOON	2716	2	86
NC	W H WEATHERSPOON	2716	3	161
NC	W H WEATHERSPOON	2716	CT-1	4
NC	W H WEATHERSPOON	2716	CT-2	3
NC	W H WEATHERSPOON	2716	CT-3	2
NC	W H WEATHERSPOON	2716	CT-4	4
NJ	B L ENGLAND	2378	1	353
NJ	B L ENGLAND	2378	2	417
NJ	B L ENGLAND	2378	3	114
NJ	BAYONNE	50497	1	139
NJ	BAYONNE	50497	2	143
NJ	BAYONNE	50497	3	140
NJ	BERGEN	2398	1101	152
NJ	BERGEN	2398	1201	157
NJ	BERGEN	2398	1301	155
NJ	BERGEN	2398	1401	152
NJ	BURLINGTON	2399	101	30
NJ	BURLINGTON	2399	102	34

Environmental Protection Agency

Pt. 97, App. A

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
NJ	BURLINGTON	2399	103	39
NJ	BURLINGTON	2399	104	47
NJ	BURLINGTON	2399	11-1	2
NJ	BURLINGTON	2399	11-2	2
NJ	BURLINGTON	2399	11-3	2
NJ	BURLINGTON	2399	11-4	2
NJ	BURLINGTON	2399	7	17
NJ	BURLINGTON	2399	9-1	4
NJ	BURLINGTON	2399	9-2	4
NJ	BURLINGTON	2399	9-3	4
NJ	BURLINGTON	2399	9-4	4
NJ	CAMDEN	10751	1	378
NJ	CARLL'S CORNER STATION	2379	1	2
NJ	CARLL'S CORNER STATION	2379	2	16
NJ	CARNEYS POINT (CCLP) NUG	10566	ST_NUG	527
NJ	CEDAR STATION	2380	1E&W	5
NJ	CUMBERLAND	5083	—GT1	40
NJ	DEEPWATER	2384	1	49
NJ	DEEPWATER	2384	4	5
NJ	DEEPWATER	2384	6	42
NJ	DEEPWATER	2384	8	195
NJ	EDISON	2400	1-1A&B	3
NJ	EDISON	2400	1-2A&B	3
NJ	EDISON	2400	1-3A&B	3
NJ	EDISON	2400	1-4A&B	3
NJ	EDISON	2400	2-1A&B	7
NJ	EDISON	2400	2-2A&B	7
NJ	EDISON	2400	2-3A&B	7
NJ	EDISON	2400	2-4A&B	7
NJ	EDISON	2400	3-1A&B	7
NJ	EDISON	2400	3-2A&B	7
NJ	EDISON	2400	3-3A&B	7
NJ	EDISON	2400	3-4A&B	7
NJ	ESSEX	2401	10-1A&B	10
NJ	ESSEX	2401	10-2A&B	10
NJ	ESSEX	2401	10-3A&B	10
NJ	ESSEX	2401	10-4A&B	10
NJ	ESSEX	2401	11-1A&B	11
NJ	ESSEX	2401	11-2A&B	11
NJ	ESSEX	2401	11-3A&B	11
NJ	ESSEX	2401	11-4A&B	11
NJ	ESSEX	2401	12-1A&B	13
NJ	ESSEX	2401	12-2A&B	13
NJ	ESSEX	2401	12-3A&B	13
NJ	ESSEX	2401	12-4A&B	13
NJ	ESSEX	2401	9	66
NJ	FORKED RIVER	7138	—1	17
NJ	FORKED RIVER	7138	—2	17
NJ	GILBERT	2393	03	47
NJ	GILBERT	2393	04	64
NJ	GILBERT	2393	05	63
NJ	GILBERT	2393	06	61
NJ	GILBERT	2393	07	63
NJ	GILBERT	2393	1	4
NJ	GILBERT	2393	2	4
NJ	GILBERT	2393	CT-9	61
NJ	HUDSON	2403	1	175
NJ	HUDSON	2403	2	884
NJ	HUDSON	2403	3	3
NJ	KEARNY	2404	10	26
NJ	KEARNY	2404	11	34
NJ	KEARNY	2404	12-1	8
NJ	KEARNY	2404	12-2	8
NJ	KEARNY	2404	12-3	8
NJ	KEARNY	2404	12-4	8
NJ	KEARNY	2404	7	35
NJ	KEARNY	2404	8	16
NJ	LINDEN	2406	11	16
NJ	LINDEN	2406	12	11
NJ	LINDEN	2406	13	20
NJ	LINDEN	2406	2	52
NJ	LINDEN	2406	6	2
NJ	LINDEN	2406	7	60

Pt. 97, App. A

40 CFR Ch. I (7–1–02 Edition)

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
NJ	LINDEN	2406	8	70
NJ	LINDEN COGEN	50006	100	276
NJ	LINDEN COGEN	50006	200	280
NJ	LINDEN COGEN	50006	300	274
NJ	LINDEN COGEN	50006	400	272
NJ	LINDEN COGEN	50006	500	278
NJ	LOGAN GENERATING PLANT	10043	1	424
NJ	MERCER	2408	1	489
NJ	MERCER	2408	2	558
NJ	MICKELTON	8008	1	28
NJ	MIDDLE ST	2382	3	4
NJ	MILFORD POWER LP	10616	1	44
NJ	MOBIL NUG	n114	CT_NUG	40
NJ	NEWARK BAY COGEN	50385	1	9
NJ	NEWARK BAY COGEN	50385	2	9
NJ	NORTH JERSEY ENERGY ASSOCIATES	10308	1	19
NJ	NORTH JERSEY ENERGY ASSOCIATES	10308	2	19
NJ	O'BRIEN (NEWARK) COGENERATION, INC.	50797	1	8
NJ	O'BRIEN (PARLIN) COGENERATION, INC.	50799	1	8
NJ	O'BRIEN (PARLIN) COGENERATION, INC.	50799	2	8
NJ	PEDRICKTOWN COGEN	10099	1	13
NJ	PRIME ENERGY LP	50852	1	178
NJ	SALEM	2410	3A&B	3
NJ	SAYREVILLE	2390	07	40
NJ	SAYREVILLE	2390	08	51
NJ	SAYREVILLE	2390	C-1	16
NJ	SAYREVILLE	2390	C-2	13
NJ	SAYREVILLE	2390	C-3	11
NJ	SAYREVILLE	2390	C-4	13
NJ	SEWAREN	2411	1	42
NJ	SEWAREN	2411	2	45
NJ	SEWAREN	2411	3	58
NJ	SEWAREN	2411	4	91
NJ	SEWAREN	2411	6	2
NJ	SHERMAN	7288	CT-1	37
NJ	VINELAND VCLP NUG	54807	GT_NUG	40
NJ	WERNER	2385	04	14
NJ	WERNER	2385	C-1	7
NJ	WERNER	2385	C-2	6
NJ	WERNER	2385	C-3	7
NJ	WERNER	2385	C-4	7
NJ	WEST STAT	6776	1	10
NY	59TH STREET	2503	114	41
NY	59TH STREET	2503	115	32
NY	74TH STREET	2504	120	70
NY	74TH STREET	2504	121	80
NY	74TH STREET	2504	122	65
NY	ARTHUR KILL	2490	20	524
NY	ARTHUR KILL	2490	30	380
NY	ASTORIA	8906	30	557
NY	ASTORIA	8906	40	505
NY	ASTORIA	8906	50	561
NY	ASTORIA	8906	GT2-1	9
NY	ASTORIA	8906	GT2-2	9
NY	ASTORIA	8906	GT2-3	9
NY	ASTORIA	8906	GT2-4	9
NY	ASTORIA	8906	GT3-1	9
NY	ASTORIA	8906	GT3-2	9
NY	ASTORIA	8906	GT3-3	9
NY	ASTORIA	8906	GT3-4	9
NY	ASTORIA	8906	GT4-1	9
NY	ASTORIA	8906	GT4-2	9
NY	ASTORIA	8906	GT4-3	9
NY	ASTORIA	8906	GT4-4	9
NY	BOWLINE POINT	2625	1	749
NY	BOWLINE POINT	2625	2	566
NY	BROOKLYN NAVY YARD	54914	1	239
NY	BROOKLYN NAVY YARD	54914	2	220
NY	CHARLES POLETTI	2491	001	883
NY	DANSKAMMER	2480	1	34
NY	DANSKAMMER	2480	2	45
NY	DANSKAMMER	2480	3	229
NY	DANSKAMMER	2480	4	449

Environmental Protection Agency

Pt. 97, App. A

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
NY	EF BARRETT	2511	10	285
NY	EF BARRETT	2511	20	287
NY	EAST RIVER	2493	50	33
NY	EAST RIVER	2493	60	319
NY	EAST RIVER	2493	70	113
NY	FAR ROCKAWAY	2513	40	138
NY	GLENWOOD	2514	40	151
NY	GLENWOOD	2514	50	124
NY	GLENWOOD	2514	U00020	1
NY	GLENWOOD	2514	U00021	1
NY	HUDSON AVENUE	2496	100	162
NY	LOVETT	2629	3	74
NY	LOVETT	2629	4	304
NY	LOVETT	2629	5	380
NY	NISSEQUOGUE COGEN PARTNERS	4931	1	86
NY	NORTHPORT	2516	1	343
NY	NORTHPORT	2516	2	533
NY	NORTHPORT	2516	3	375
NY	NORTHPORT	2516	4	582
NY	O&R HILLBURN GT	2628	1	2
NY	O&R SHOEMAKER GT	2632	1	10
NY	PORT JEFFERSON	2517	3	270
NY	PORT JEFFERSON	2517	4	253
NY	RAVENSWOOD	2500	10	299
NY	RAVENSWOOD	2500	20	363
NY	RAVENSWOOD	2500	30	1,360
NY	RAVENSWOOD	2500	GT2-1	3
NY	RAVENSWOOD	2500	GT2-2	3
NY	RAVENSWOOD	2500	GT2-3	3
NY	RAVENSWOOD	2500	GT2-4	3
NY	RAVENSWOOD	2500	GT3-1	3
NY	RAVENSWOOD	2500	GT3-2	3
NY	RAVENSWOOD	2500	GT3-3	3
NY	RAVENSWOOD	2500	GT3-4	3
NY	RICHARD M FLYNN	7314	NA1	246
NY	RICHARD M FLYNN	7314	NA2	25
NY	ROSETON	8006	1	479
NY	ROSETON	8006	2	595
NY	TRIGEN-NDEC	52056	4	105
NY	WADING RIVER	7146	1	8
NY	WADING RIVER	7146	2	8
NY	WADING RIVER	7146	3	8
NY	WADING RIVER	7146	UGT013	1
NY	WATERSIDE	2502	61	84
NY	WATERSIDE	2502	62	91
NY	WATERSIDE	2502	80	208
NY	WATERSIDE	2502	90	208
NY	WEST BABYLON	2521	1	2
OH	ASHTABULA	2835	10	75
OH	ASHTABULA	2835	11	80
OH	ASHTABULA	2835	7	333
OH	ASHTABULA	2835	8	70
OH	ASHTABULA	2835	9	66
OH	AVON LAKE	2836	10	139
OH	AVON LAKE	2836	12	1,040
OH	AVON LAKE	2836	9	41
OH	AVON LAKE	2836	CT10	3
OH	BAY SHORE	2878	1	208
OH	BAY SHORE	2878	2	229
OH	BAY SHORE	2878	3	213
OH	BAY SHORE	2878	4	330
OH	CARDINAL	2828	1	1,030
OH	CARDINAL	2828	2	1,083
OH	CARDINAL	2828	3	1,079
OH	CONESVILLE	2840	1	214
OH	CONESVILLE	2840	2	203
OH	CONESVILLE	2840	3	212
OH	CONESVILLE	2840	4	1,119
OH	CONESVILLE	2840	5	731
OH	CONESVILLE	2840	6	736
OH	DICKS CREEK	2831	1	7
OH	EASTLAKE	2837	1	214
OH	EASTLAKE	2837	2	230

Pt. 97, App. A

40 CFR Ch. I (7–1–02 Edition)

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
OH	EASTLAKE	2837	3	251
OH	EASTLAKE	2837	4	371
OH	EASTLAKE	2837	5	974
OH	EASTLAKE	2837	6	1
OH	EDGEWATER	2857	13	65
OH	EDGEWATER	2857	A	1
OH	EDGEWATER	2857	B	1
OH	FRANK M TAIT	2847	GT1	23
OH	FRANK M TAIT	2847	GT2	25
OH	GEN J M GAVIN	8102	1	2,744
OH	GEN J M GAVIN	8102	2	2,981
OH	HAMILTON	2917	9	110
OH	J M STUART	2850	1	1,054
OH	J M STUART	2850	2	1,228
OH	J M STUART	2850	3	1,074
OH	J M STUART	2850	4	1,106
OH	KILLEN STATION	6031	2	1,706
OH	KYGER CREEK	2876	1	471
OH	KYGER CREEK	2876	2	471
OH	KYGER CREEK	2876	3	478
OH	KYGER CREEK	2876	4	465
OH	KYGER CREEK	2876	5	455
OH	LAKE SHORE	2838	18	195
OH	MAD RIVER	2860	A	2
OH	MAD RIVER	2860	B	2
OH	MIAMI FORT	2832	5–1	35
OH	MIAMI FORT	2832	5–2	35
OH	MIAMI FORT	2832	6	398
OH	MIAMI FORT	2832	7	1,044
OH	MIAMI FORT	2832	8	1,015
OH	MIAMI FORT	2832	CT2	1
OH	MUSKINGUM RIVER	2872	1	309
OH	MUSKINGUM RIVER	2872	2	316
OH	MUSKINGUM RIVER	2872	3	347
OH	MUSKINGUM RIVER	2872	4	349
OH	MUSKINGUM RIVER	2872	5	1,105
OH	NILES	2861	1	212
OH	NILES	2861	2	160
OH	NILES	2861	A	2
OH	O H HUTCHINGS	2848	H–1	24
OH	O H HUTCHING	2848	H–2	37
OH	O H HUTCHINGS	2848	H–3	64
OH	O H HUTCHINGS	2848	H–4	68
OH	O H HUTCHINGS	2848	H–5	62
OH	O H HUTCHINGS	2848	H–6	69
OH	O H HUTCHINGS	2848	H–7	1
OH	PICWAY	2843	9	141
OH	R E BURGER	2864	1	0
OH	R E BURGER	2864	2	0
OH	R E BURGER	2864	3	0
OH	R E BURGER	2864	4	0
OH	R E BURGER	2864	5	14
OH	R E BURGER	2864	6	13
OH	R E BURGER	2864	7	337
OH	R E BURGER	2864	8	274
OH	RICHARD GORSUCH	7286	1	146
OH	RICHARD GORSUCH	7286	2	138
OH	RICHARD GORSUCH	7286	3	144
OH	RICHARD GORSUCH	7286	4	146
OH	W H SAMMIS	2866	1	402
OH	W H SAMMIS	2866	2	418
OH	W H SAMMIS	2866	3	400
OH	W H SAMMIS	2866	4	415
OH	W H SAMMIS	2866	5	631
OH	W H SAMMIS	2866	6	1,221
OH	W H SAMMIS	2866	7	1,259
OH	W H ZIMMER	6019	1	2,918
OH	WALTER C BECKJORD	2830	1	167
OH	WALTER C BECKJORD	2830	2	198
OH	WALTER C BECKJORD	2830	3	281
OH	WALTER C BECKJORD	2830	4	347
OH	WALTER C BECKJORD	2830	5	481
OH	WALTER C BECKJORD	2830	6	850

Environmental Protection Agency

Pt. 97, App. A

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
OH	WALTER C BECKJORD	2830	CT1	3
OH	WALTER C BECKJORD	2830	CT2	3
OH	WALTER C BECKJORD	2830	CT3	4
OH	WALTER C BECKJORD	2830	CT4	2
OH	WEST LORAIN	2869	1A	0
OH	WEST LORAIN	2869	1B	0
OH	WOODSDALE	7158	—GT1	30
OH	WOODSDALE	7158	—GT2	30
OH	WOODSDALE	7158	—GT3	39
OH	WOODSDALE	7158	—GT4	37
OH	WOODSDALE	7158	—GT5	40
OH	WOODSDALE	7158	—GT6	39
PA	AES BEAVER VALLEY	10676	032	144
PA	AES BEAVER VALLEY	10676	033	131
PA	AES BEAVER VALLEY	10676	034	133
PA	AES BEAVER VALLEY	10676	035	67
PA	ARMSTRONG	3178	1	363
PA	ARMSTRONG	3178	2	383
PA	BRUCE MANSFIELD	6094	1	1,657
PA	BRUCE MANSFIELD	6094	2	1,672
PA	BRUCE MANSFIELD	6094	3	1,636
PA	BRUNNER ISLAND	3140	1	568
PA	BRUNNER ISLAND	3140	2	718
PA	BRUNNER ISLAND	3140	3	1,539
PA	BRUNOT ISLAND	3096	2A	0
PA	BRUNOT ISLAND	3096	2B	0
PA	BRUNOT ISLAND	3096	3	0
PA	CAMBRIA COGEN	10641	1	155
PA	CAMBRIA COGEN	10641	2	161
PA	CHESWICK	8226	1	1,119
PA	COLVER POWER PROJECT	10143	1	291
PA	CONEMAUGH	3118	1	2,167
PA	CONEMAUGH	3118	2	1,995
PA	CROMBY	3159	1	377
PA	CROMBY	3159	2	201
PA	DELAWARE	3160	71	61
PA	DELAWARE	3160	81	56
PA	EBENSBURG POWER	10603	1	191
PA	EDDYSTONE	3161	1	565
PA	EDDYSTONE	3161	2	636
PA	EDDYSTONE	3161	3	207
PA	EDDYSTONE	3161	4	237
PA	ELRAMA	3098	1	214
PA	ELRAMA	3098	2	209
PA	ELRAMA	3098	3	208
PA	ELRAMA	3098	4	428
PA	FOSTER WHEELER MT. CARMEL	10343	AB_NUG	152
PA	GILBERTON POWER NUG	010113	AB_NUG	273
PA	GPU GENCO WAYNE	3134	1	8
PA	HATFIELD'S FERRY	3179	1	1,155
PA	HATFIELD'S FERRY	3179	2	1,029
PA	HATFIELD'S FERRY	3179	3	1,087
PA	HOLTWOOD	3145	17	246
PA	HOMER CITY	3122	1	1,471
PA	HOMER CITY	3122	2	1,553
PA	HOMER CITY	3122	3	1,437
PA	HUNLOCK PWR STATION	3176	6	131
PA	KEYSTONE	3136	1	2,154
PA	KEYSTONE	3136	2	2,133
PA	KIMBERLY-CLARK	3157	10	211
PA	MARTINS CREEK	3148	1	314
PA	MARTINS CREEK	3148	2	293
PA	MARTINS CREEK	3148	3	543
PA	MARTINS CREEK	3148	4	500
PA	MITCHELL	3181	1	10
PA	MITCHELL	3181	2	6
PA	MITCHELL	3181	3	9
PA	MITCHELL	3181	33	556
PA	MONTOUR	3149	1	1,560
PA	MONTOUR	3149	2	1,673
PA	MOUNTAIN	3111	1	5
PA	MOUNTAIN	3111	2	5
PA	NEW CASTLE	3138	3	190

Pt. 97, App. A

40 CFR Ch. I (7–1–02 Edition)

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
PA	NEW CASTLE	3138	4	195
PA	NEW CASTLE	3138	5	245
PA	NORCON POWER PARTNERS LP	54571	1	103
PA	NORCON POWER PARTNERS LP	54571	2	109
PA	NORTHAMPTON GENERATING	50888	1	291
PA	NORTHEASTERN POWER	50039		188
PA	PANTHER CREEK	50776	1	134
PA	PANTHER CREEK	50776	2	130
PA	PECO ENERGY CROYDEN	8012	11	11
PA	PECO ENERGY CROYDEN	8012	12	9
PA	PECO ENERGY CROYDEN	8012	21	5
PA	PECO ENERGY CROYDEN	8012	22	11
PA	PECO ENERGY CROYDEN	8012	31	13
PA	PECO ENERGY CROYDEN	8012	32	6
PA	PECO ENERGY CROYDEN	8012	41	11
PA	PECO ENERGY CROYDEN	8012	42	9
PA	PECO ENERGY RICHMOND	3168	91	10
PA	PECO ENERGY RICHMOND	3168	92	9
PA	PHILLIPS POWER STATION	3099	3	0
PA	PHILLIPS POWER STATION	3099	4	0
PA	PHILLIPS POWER STATION	3099	5	0
PA	PHILLIPS POWER STATION	3099	6	0
PA	PINEY CREEK	54144	1	102
PA	PORTLAND	3113	—5	48
PA	PORTLAND	3113	1	266
PA	PORTLAND	3113	2	412
PA	SCHUYLKILL	3169	1	84
PA	SCHUYLKILL ENERGY RESOURCES	880010	1	289
PA	SCHUYLKILL STATION (TURBI	50607	AB_NUG	701
PA	SCRUBGRASS GENERATING PLANT	50974	1	124
PA	SCRUBGRASS GENERATING PLANT	50974	2	123
PA	SEWARD	3130	12	64
PA	SEWARD	3130	14	72
PA	SEWARD	3130	15	355
PA	SHAWVILLE	3131	1	295
PA	SHAWVILLE	3131	2	294
PA	SHAWVILLE	3131	3	380
PA	SHAWVILLE	3131	4	392
PA	SUNBURY	3152	1A	134
PA	SUNBURY	3152	1B	122
PA	SUNBURY	3152	2A	130
PA	SUNBURY	3152	2B	134
PA	SUNBURY	3152	3	263
PA	SUNBURY	3152	4	302
PA	TITUS	3115	1	161
PA	TITUS	3115	2	152
PA	TITUS	3115	3	151
PA	TOLNA	3116	1	3
PA	TOLNA	3116	2	4
PA	TRIGEN ENERGY SANSOM	880006	1	12
PA	TRIGEN ENERGY SANSOM	880006	2	10
PA	TRIGEN ENERGY SANSOM	880006	3	5
PA	TRIGEN ENERGY SANSOM	880006	4	6
PA	WARREN	3132	1	47
PA	WARREN	3132	2	32
PA	WARREN	3132	3	40
PA	WARREN	3132	4	42
PA	WARREN	3132	CT1	14
PA	WESTWOOD ENERGY PROPERTIE	50611	031	98
PA	WHEELABRATOR FRACKVILLE E	50879	GEN1	161
PA	WILLIAMS GEN—HAZELTON	10870	HRSG	16
PA	WILLIAMS GEN—HAZELTON	10870	TURBN	141
VA	BELLMEADE	7696	1	76
VA	BELLMEADE	7696	2	88
VA	BREMO BLUFF	3796	3	137
VA	BREMO BLUFF	3796	4	386
VA	CHESAPEAKE	3803	1	298
VA	CHESAPEAKE	3803	2	308
VA	CHESAPEAKE	3803	3	370
VA	CHESAPEAKE	3803	4	571
VA	CHESAPEAKE CORP.	10017	ST_rp.	59
VA	CHESTERFIELD	3797	—8	263
VA	CHESTERFIELD	3797	3	232

Environmental Protection Agency

Pt. 97, App. A

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
VA	CHESTERFIELD	3797	4	389
VA	CHESTERFIELD	3797	5	769
VA	CHESTERFIELD	3797	6	1,348
VA	CHESTERFIELD	3797	7	316
VA	CLINCH RIVER	3775	1	548
VA	CLINCH RIVER	3775	2	520
VA	CLINCH RIVER	3775	3	575
VA	CLOVER	7213	1	1,033
VA	CLOVER	7213	2	1,118
VA	COGENTRIX—HOPEWELL	10377	ST_ell	327
VA	COGENTRIX—PORTSMOUTH	10071	ST_uth	356
VA	COGENTRIX RICHMOND 1	54081	ST_d 1	299
VA	COGENTRIX RICHMOND 2	54081	ST_d 2	209
VA	COMMONWEALTH ATLANTIC LP	52087	GT_LP	35
VA	DARBYTOWN	7212	—1	29
VA	DARBYTOWN	7212	—2	28
VA	DARBYTOWN	7212	—3	30
VA	DARBYTOWN	7212	—4	29
VA	DOSWELL #1	52019	CA_#1	46
VA	DOSWELL #1	52019	CT_#1	94
VA	DOSWELL #2	52019	CA_#2	46
VA	DOSWELL #2	52019	CT_#2	94
VA	GLEN LYN	3776	51	101
VA	GLEN LYN	3776	52	110
VA	GLEN LYN	3776	6	487
VA	GORDONSVILLE 1	54844	CA_e 1	16
VA	GORDONSVILLE 1	54844	CT_e 1	33
VA	GORDONSVILLE 2	54844	CA_Xe 2	17
VA	GORDONSVILLE 2	54844	CT_e 2	34
VA	GRAVEL NECK	7032	—3	21
VA	GRAVEL NECK	7032	—X4	24
VA	GRAVEL NECK	7032	—5	14
VA	GRAVEL NECK	7032	—6	18
VA	HOPEWELL COGEN, INC.	10633	CT_nc.	102 OW≤
VA	HOPEWELL COGEN, INC.	10633	CW_nc.	53
VA	LG&E-WESTMORELAND ALTAVISTA	10773	1	18
VA	LG&E-WESTMORELAND ALTAVISTA	10773	2	18
VA	LG&E-WESTMORELAND HOPEWELL	10771	1	17
VA	LG&E-WESTMORELAND HOPEWELL	10771	2	16
VA	LG&E-WESTMORELAND SOUTHAMPTON	10774	1	23
VA	LG&E-WESTMORELAND SOUTHAMPTON	10774	2	29
VA	MECKLENBURG	52007	ST_urg	234
VA	POSSUM POINT	3804	3	221
VA	POSSUM POINT	3804	4	528
VA	POSSUM POINT	3804	5	322
VA	POTOMAC RIVER	3788	1	203
VA	POTOMAC RIVER	3788	2	139
VA	POTOMAC RIVER	3788	3	232
VA	POTOMAC RIVER	3788	4	223
VA	POTOMAC RIVER	3788	5	222
VA	SEI BIRCHWOOD	12	1	305
VA	TASLEY	3785	10	6
VA	YORKTOWN	3809	1	386
VA	YORKTOWN	3809	2	419
VA	YORKTOWN	3809	3	764
WV	ALBRIGHT	3942	1	76
WV	ALBRIGHT	3942	2	71
WV	ALBRIGHT	3942	3	241
WV	FORT MARTIN	3943	1	887
WV	FORT MARTIN	3943	2	868
WV	GRANT TOWN	10151	ST_own	156
WV	HARRISON	3944	1	1,385
WV	HARRISON	3944	2	1,444
WV	HARRISON	3944	3	1,505
WV	JOHN E AMOS	3935	1	1,254
WV	JOHN E AMOS	3935	2	1,198
WV	JOHN E AMOS	3935	3	1,859
WV	KAMMER	3947	1	399
WV	KAMMER	3947	2	418
WV	KAMMER	3947	3	447
WV	KANAWHA RIVER	3936	1	336
WV	KANAWHA RIVER	3936	2	323
WV	MITCHELL	3948	1	1,288

Pt. 97, App. A

40 CFR Ch. I (7–1–02 Edition)

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
WV	MITCHELL	3948	2	1,191
WV	MORGANTOWN ENERGY ASSOCIATES	27	1	80
WV	MORGANTOWN ENERGY ASSOCIATES	27	2	80
WV	MOUNTAINEER (1301)	6264	1	1,952
WV	MT STORM	3954	1	1,048
WV	MT STORM	3954	2	1,127
WV	MT STORM	3954	3	1,236
WV	NORTH BRANCH	7537	1A	51
WV	NORTH BRANCH	7537	1B	53
WV	PHIL SPORN	3938	11	239
WV	PHIL SPORN	3938	21	215
WV	PHIL SPORN	3938	31	239
WV	PHIL SPORN	3938	41	230
WV	PHIL SPORN	3938	51	708
WV	PLEASANTS	6004	1	1,296
WV	PLEASANTS	6004	2	1,165
WV	RIVESVILLE	3945	7	38
WV	RIVESVILLE	3945	8	88
WV	WILLOW ISLAND	3946	1	79
WV	WILLOW ISLAND	3946	2	246

[65 FR 2727, Jan. 18, 2000, as amended at 66 FR 48575, Sept. 21, 2001]

Environmental Protection Agency

Pt. 97, App. B

APPENDIX B TO PART 97—FINAL SECTION 126 RULE: NON-EGU ALLOCATIONS,
2004–2007

State	County	Plant	Plant ID	Point ID	NO _x allocation for non-EGUs
DC	Washington	GSA CENTRAL HEATING PLANT	0025	003	0
DC	Washington	GSA CENTRAL HEATING PLANT	0025	004	0
DC	Washington	GSA CENTRAL HEATING PLANT	0025	005	0
DC	Washington	GSA CENTRAL HEATING PLANT	0025	006	0
DC	Washington	GSA WEST HEATING PLANT	0024	003	13
DC	Washington	GSA WEST HEATING PLANT	0024	005	12
DE	Kent	KRAFT FOODS INC	0007	001	0
DE	New Castle	MOTIVA ENTERPRISES (FORMERLY STAR ENTERPRISE, DELAWARE CITY PLANT).	0016	002	102
DE	New Castle	MOTIVA ENTERPRISES (FORMERLY STAR ENTERPRISE, DELAWARE CITY PLANT).	0016	012	118
KY	Boyd	ASHLAND OIL INC	0004	061	23
KY	Lawrence	KENTUCKY POWER CO	0003	004	0
MD	Baltimore	BETHLEHEM STEEL	0147	016	75
MD	Baltimore	BETHLEHEM STEEL	0147	017	75
MD	Baltimore	BETHLEHEM STEEL	0147	018	75
MD	Baltimore	BETHLEHEM STEEL	0147	019	75
MD	Allegany	WESTVACO	0011	001	289
MD	Allegany	WESTVACO	0011	002	373
MI	Wayne	DETROIT EDISON CO	B2810	0003	31
MI	Midland	DOW CHEMICAL USA	A4033	0401	6
MI	Midland	DOW CHEMICAL USA	A4033	0402	0
MI	Wayne	DSC LTD	B3680	0006	30
MI	Genesee	GENERAL MOTORS CORP	A1178	0501	63
MI	Genesee	GENERAL MOTORS CORP	A1178	0502	47
MI	Oakland	GENERAL MOTORS CORP	B4031	0506	22
MI	Genesee	GENERAL MOTORS CORP	A1178	0507	20
MI	Oakland	GENERAL MOTORS CORP	B4032	0510	4
MI	Kalamazoo	GEORGIA PACIFIC CORP	B4209	0005	6
MI	Kalamazoo	JAMES RIVER PAPER CO INC	B1678	0003	90
MI	Wayne	MARATHON OIL COMPANY	A9831	0001	109
MI	Allegan	MENASHA CORP	A0023	0024	71
MI	Allegan	MENASHA CORP	A0023	0025	69
MI	Ingham	MICHIGAN STATE UNIVERSITY	K3249	0053	110
MI	Ingham	MICHIGAN STATE UNIVERSITY	K3249	0054	118
MI	Ingham	MICHIGAN STATE UNIVERSITY	K3249	0055	77
MI	Ingham	MICHIGAN STATE UNIVERSITY	K3249	0056	73
MI	Washtenaw	THE REGENTS OF THE UNIVERSITY OF MICHIGAN.	M0675	0001	40
MI	Washtenaw	THE REGENTS OF THE UNIVERSITY OF MICHIGAN.	M0675	0002	37
MI	Oakland	WILLIAM BEAUMONT HOSPITAL	G5067	0010	0
MI	Oakland	WILLIAM BEAUMONT HOSPITAL	G5067	0011	0
NC	Haywood	BLUE RIDGE PAPER PRODUCTS INC	0159	005	129
NC	Haywood	CHAMPION INT CORP	0159	001	98
NC	Haywood	CHAMPION INT CORP	0159	002	88
NC	Haywood	CHAMPION INT CORP	0159	003	200
NC	Haywood	CHAMPION INT CORP	0159	004	176

Pt. 97, App. B

40 CFR Ch. I (7–1–02 Edition)

State	County	Plant	Plant ID	Point ID	NO _x allocation for non-EGUs
NC	Halifax	CHAMPION INTERNATIONAL CORP. RO-ANOKE RAP.	0007	001	340
NC	Guilford	CONE MILLS CORP—WHITE OAK PLANT	0863	004	50
NC	Cabarrus	FIELDCREST—CANNON PLT 1 KANNAPOLIS.	0006	001	77
NC	Columbus	INTERNATIONAL PAPER: RIEGELWOOD	0036	003	90
NC	Columbus	INTERNATIONAL PAPER: RIEGELWOOD	0036	004	228
NC	Craven	WEYERHAUSER COMPANY NEW BERN MILL.	0104	005	205
NC	Craven	WEYERHAUSER COMPANY NEW BERN MILL.	0104	006	72
NC	Martin	WEYERHAUSER PAPER CO. PLYMOUTH.	0069	001	265
NC	Martin	WEYERHAUSER COMPANY PLYMOUTH	0069	009	25
NJ	Middlesex	BALL—INCON GLASS PACKAGING	15035	001	46
NJ	Hudson	BEST FOODS CPC INTERNATIONAL I	10003	003	27
NJ	Middlesex	CHEVRON U.S.A., INC	15023	001	17
NJ	Middlesex	CHEVRON U.S.A., INC	15023	043	55
NJ	Gloucester	COASTAL EAGLE POINT OIL COMPAN	55004	001	3
NJ	Gloucester	COASTAL EAGLE POINT OIL COMPAN	55004	038	11
NJ	Gloucester	COASTAL EAGLE POINT OIL COMPAN	55004	039	11
NJ	Gloucester	COASTAL EAGLE POINT OIL COMPAN	55004	040	11
NJ	Gloucester	COASTAL EAGLE POINT OIL COMPAN	55004	064	38
NJ	Gloucester	COASTAL EAGLE POINT OIL COMPAN	55004	123	37
NJ	Middlesex	DEGUSSA CORPORATION-METZ DIVIS	15305	009	15
NJ	Union	EXXON CORPORATION	40003	001	57
NJ	Union	EXXON CORPORATION	40003	007	22
NJ	Union	EXXON CORPORATION	40003	014	98
NJ	Union	EXXON CORPORATION	40003	015	14
NJ	Middlesex	HERCULES INCORPORATED	15017	001	38
NJ	Middlesex	HERCULES INCORPORATED	15017	002	37
NJ	Warren	HOFFMAN LAROCHE INC	85010	034	45
NJ	Mercer	HOMASCTE COMPANY	60018	001	290
NJ	Mercer	HOMASCTE COMPANY	60018	002	312
NJ	Passaic	INTERNATIONAL VEILING CORPORAT	30098	001	22
NJ	Bergen	MALT PRODUCTS CORPORATION	00322	001	27
NJ	Atlantic	MARINA ASSOCIATES	70009	001	330
NJ	Atlantic	MARINA ASSOCIATES	70009	002	329
NJ	Atlantic	MARINA ASSOCIATES	70009	003	990
NJ	Union	MERCK & CO., INC	40009	001	66
NJ	Union	MERCK & CO., INC	40009	002	61
NJ	Union	MERCK & CO., INC	40009	003	56
NJ	Union	MERCK & CO., INC	40009	004	75
NJ	Union	MERCK & CO., INC	40009	005	89
NJ	Union	MERCK & CO., INC	40009	006	103
NJ	Gloucester	MOBIL OIL CORPORATION	55006	001	54
NJ	Gloucester	MOBIL OIL CORPORATION	55006	002	54
NJ	Gloucester	MOBIL OIL CORPORATION	55006	003	54
NJ	Gloucester	MOBIL OIL CORPORATION	55006	004	49
NJ	Gloucester	MOBIL OIL CORPORATION	55006	005	16
NJ	Gloucester	MOBIL OIL CORPORATION	55006	006	105
NJ	Gloucester	MOBIL OIL CORPORATION	55006	027	0

Environmental Protection Agency

Pt. 97, App. B

State	County	Plant	Plant ID	Point ID	NO _x allocation for non-EGUs
NJ	Gloucester	MOBIL OIL CORPORATION	55006	270	14
NJ	Monmouth	NESTLE CO., INC., THE	20004	006	13
NJ	Monmouth	NESTLE CO., INC., THE	20004	007	13
NJ	Middlesex	NEW JERSEY STEEL CORPORATION	15076	001	18
NJ	Gloucester	PETROLEUM RECYCLING, INC	55180	020	169
NJ	Atlantic	SCOTT PAPER COMPANY	70011	002	89
NJ	Atlantic	SCOTT PAPER COMPANY	70011	003	75
NJ	Atlantic	SCOTT PAPER COMPANY	70011	004	99
NJ	Mercer	STONY BROOK REGIONAL SEWERAGE ..	60248	001	55
NJ	Mercer	STONY BROOK REGIONAL SEWERAGE ..	60248	002	55
NY	Kings	HUDSON AVENUE	2496	B71	19
NY	Kings	HUDSON AVENUE	2496	B72	19
NY	Kings	HUDSON AVENUE	2496	B81	19
NY	Kings	HUDSON AVENUE	2496	B82	19
NY	Queens	RAVENSWOOD-A-HOUSE	CE03	B01	15
NY	Queens	RAVENSWOOD-A-HOUSE	CE03	B02	15
NY	Queens	RAVENSWOOD-A-HOUSE	CE03	B03	21
NY	Queens	RAVENSWOOD-A-HOUSE	CE03	B04	21
OH	Butler	AK STEEL (FORMERLY ARMCO STEEL CO.).	1409010006	P009	66
OH	Butler	AK STEEL (FORMERLY ARMCO STEEL CO.).	1409010006	P010	66
OH	Butler	AK STEEL (FORMERLY ARMCO STEEL CO.).	1409010006	P011	66
OH	Butler	AK STEEL (FORMERLY ARMCO STEEL CO.).	1409010006	P012	66
OH	Stark	ASHLAND PETROLEUM COMPANY	1576000301	B015	18
OH	Lucas	BP OIL COMPANY, TOLEDO REFINERY ..	0448020007	B004	39
OH	Lucas	BP OIL COMPANY, TOLEDO REFINERY ..	0448020007	B020	102
OH	Montgomery	CARGILL INCORPORATED	0857041124	B004	133
OH	Montgomery	CARGILL INCORPORATED	0857041124	B006	1
OH	Butler	CHAMPION INTERNATIONAL CORP	1409040212	B010	267
OH	Summit	GOODYEAR TIRE & RUBBER COMPANY	1677010193	B001	101
OH	Summit	GOODYEAR TIRE & RUBBER COMPANY	1677010193	B002	108
OH	Hamilton	HENKEL CORP.—EMERY GROUP	1431070035	B027	209
OH	Cuyahoga	LTV STEEL COMPANY, INC	1318001613	B001	139
OH	Cuyahoga	LTV STEEL COMPANY, INC	1318001613	B002	150
OH	Cuyahoga	LTV STEEL COMPANY, INC	1318001613	B003	159
OH	Cuyahoga	LTV STEEL COMPANY, INC	1318001613	B004	158
OH	Cuyahoga	LTV STEEL COMPANY, INC	1318001613	B007	155
OH	Cuyahoga	LTV STEEL COMPANY, INC	1318001613	B905	14
OH	Ross	MEAD CORPORATION	0671010028	B001	185
OH	Ross	MEAD CORPORATION	0671010028	B002	208
OH	Ross	MEAD CORPORATION	0671010028	B003	251
OH	Scioto	NEW BOSTON COKE CORP	0773010004	B008	20
OH	Scioto	NEW BOSTON COKE CORP	0773010004	B009	15
OH	Hamilton	PROCTER & GAMBLE CO	1431390903	B021	72
OH	Hamilton	PROCTER & GAMBLE CO	1431390903	B022	296
OH	Lorain	REPUBLIC ENGINEERED STEELS, INC. (FORMERLY USS/KOBE STEEL—LO-RAIN WORKS).	0247080229	B013	159
OH	Lawrence	SOUTH POINT ETHANOL	0744000009	B003	107
OH	Lawrence	SOUTH POINT ETHANOL	0744000009	B004	107
OH	Lawrence	SOUTH POINT ETHANOL	0744000009	B007	107
OH	Lucas	SUN REFINING & MARKETING CO, TOLEDO REF.	0448010246	B044	47

Pt. 97, App. B

40 CFR Ch. I (7–1–02 Edition)

State	County	Plant	Plant ID	Point ID	NO _x allocation for non-EGUs
OH	Lucas	SUN REFINING & MARKETING CO, TOLEDO REF.	0448010246	B046	34
OH	Lucas	SUN REFINING & MARKETING CO, TOLEDO REF.	0448010246	B047	18
OH	Trumbull	W C I STEEL, INC	0278000463	B001	113
OH	Trumbull	W C I STEEL, INC	0278000463	B004	142
PA	Northampton	BETHLEHEM STEEL CORP	0048	041	100
PA	Northampton	BETHLEHEM STEEL CORP	0048	042	66
PA	Northampton	BETHLEHEM STEEL CORP	0048	067	165
PA	Armstrong	BMG ASPHALT CO	0004	101	0
PA	Erie	GENERAL ELECTRIC	0009	032	16
PA	York	GLATFELTER, P. H. CO	0016	031	0
PA	York	GLATFELTER, P. H. CO	0016	034	137
PA	York	GLATFELTER, P. H. CO	0016	035	112
PA	York	GLATFELTER, P. H. CO	0016	036	211
PA	Clinton	INTERNATIONAL PAPER: LOCKHAVEN ...	0008	033	101
PA	Clinton	INTERNATIONAL PAPER: LOCKHAVEN ...	0008	034	90
PA	Delaware	KIMBERLY CLARK (FORMERLY SCOTT PAPER CO.).	0016	034	1
PA	Delaware	KIMBERLY CLARK (FORMERLY SCOTT PAPER CO.).	0016	035	345
PA	Allegheny	LTV STEEL COMPANY—PITTSBURGH WORKS.	0022	015	25
PA	Allegheny	LTV STEEL COMPANY—PITTSBURGH WORKS.	0022	017	15
PA	Allegheny	LTV STEEL COMPANY—PITTSBURGH WORKS.	0022	019	29
PA	Allegheny	LTV STEEL COMPANY—PITTSBURGH WORKS.	0022	021	55
PA	Montgomery	MERCK SHARP & DOHME	0028	039	126
PA	Westmoreland	MONESSEN INC	0007	031	0
PA	Bucks	PECO	0055	043	15
PA	Bucks	PECO	0055	045	32
PA	Bucks	PECO	0055	044	77
PA	Wyoming	PROCTER & GAMBLE CO	0009	035	187
PA	Allegheny	SHENANGO IRON & COKE WORKS	0050	006	18
PA	Allegheny	SHENANGO IRON & COKE WORKS	0050	009	15
PA	Delaware	SUN REFINING & MARKETING CO	0025	089	102
PA	Delaware	SUN REFINING & MARKETING CO	0025	090	163
PA	Philadelphia	SUN REFINING AND MARKETING 1 O	1501	020	49
PA	Philadelphia	SUN REFINING AND MARKETING 1 O	1501	021	83
PA	Philadelphia	SUN REFINING AND MARKETING 1 O	1501	022	105
PA	Philadelphia	SUN REFINING AND MARKETING 1 O	1501	023	127
PA	Philadelphia	SUNOCO (FORMERLY ALLIED CHEMICAL CORP).	1551	052	86
PA	Perry	TEXAS EASTERN GAS PIPELINE COMPANY.	0001	031	0
PA	Berks	TEXAS EASTERN GAS PIPELINE COMPANY.	0087	031	98
PA	Delaware	TOSCO REFINING (FORMERLY BP OIL, INC.).	0030	032	71
PA	Delaware	TOSCO REFINING (FORMERLY BP OIL, INC.).	0030	033	80
PA	Philadelphia	U.S. NAVAL BASE	9702	016	0
PA	Philadelphia	U.S. NAVAL BASE	9702	017	1
PA	Philadelphia	U.S. NAVAL BASE	9702	098	0
PA	Philadelphia	U.S. NAVAL BASE	9702	099	0
PA	Elk	WILLAMETTE INDUSTRIES (FORMERLY PENNTECH PAPERS, INC.	0005	040	90
PA	Elk	WILLAMETTE INDUSTRIES (FORMERLY PENNTECH PAPERS, INC.	0005	041	89
PA	Beaver	ZINC CORPORATION OF AMERICA	0032	034	176

Environmental Protection Agency

Pt. 97, App. B

State	County	Plant	Plant ID	Point ID	NO _x allocation for non-EGUs
PA	Beaver	ZINC CORPORATION OF AMERICA	0032	035	180
VA	Hopewell	ALLIED-SIGNAL INC	0026	002	499
VA	York	AMOCO OIL CO	0004	001	25
VA	Giles	CELANESE ACETATE LLC (FORMERLY HOECHST CELANESE CORP).	0004	007	148
VA	Giles	CELANESE ACETATE LLC (FORMERLY HOECHST CELANESE CORP).	0004	014	56
VA	Pittsylvania	DAN RIVER INC. (SCHOOLFIELD DIV)	0002	003	49
VA	Bedford	GEORGIA-PACIFIC—BIG ISLAND MILL	0003	002	86
VA	Isle Of Wight	INTERNATIONAL PAPER—FRANKLIN (FORMERLY UNION CAMP CORP/FINE PAPER DIV).	0006	003	272
VA	Hopewell	JAMES RIVER COGENERATION (COGE ..	0055	001	511
VA	Hopewell	JAMES RIVER COGENERATION (COGE ..	0055	002	512
VA	King William	ST. LAURENT PAPER PRODUCTS CORP.	0001	003	253
VA	Alleghany	WESTVACO CORP	0003	001	253
VA	Alleghany	WESTVACO CORP	0003	002	130
VA	Alleghany	WESTVACO CORP	0003	003	195
VA	Alleghany	WESTVACO CORP	0003	004	373
VA	Alleghany	WESTVACO CORP	0003	005	170
VA	Alleghany	WESTVACO CORP	0003	011	105
WV	Kanawha	AVENTIS CROPSCIENCE	00007	010	113
WV	Kanawha	AVENTIS CROPSCIENCE	00007	011	102
WV	Kanawha	AVENTIS CROPSCIENCE	00007	012	105
WV	Kanawha	DUPONT—BELLE	00001	612	54
WV	Fayette	ELKEM METALS COMPANY L.P.—ALLOY P PLANT.	00001	006	116
WV	Marshall	PPG INDUSTRIES, INC	00002	001	195
WV	Marshall	PPG INDUSTRIES, INC	00002	003	419
WV	Kanawha	RHONE-POLUENC	00007	070	8
WV	Kanawha	RHONE-POLUENC	00007	071	73
WV	Kanawha	RHONE-POLUENC	00007	080	7
WV	Kanawha	RHONE-POLUENC	00007	081	66
WV	Kanawha	RHONE-POLUENC	00007	090	8
WV	Kanawha	RHONE-POLUENC	00007	091	68
WV	Kanawha	UNION CARBIDE—SOUTH CHARLESTON PLANT.	00003	0B6	66
WV	Kanawha	UNION CARBIDE—SOUTH CHARLESTON PLANT.	0003	0B6	92
WV	Kanawha	UNION CARBIDE—SOUTH CHARLESTON PLANT.	0003	0B7	45
WV	Hancock	WEIRTON STEEL CORPORATION	00001	030	31
WV	Hancock	WEIRTON STEEL CORPORATION	00001	088	30
WV	Hancock	WEIRTON STEEL CORPORATION	00001	089	2
WV	Hancock	WEIRTON STEEL CORPORATION	00001	090	110
WV	Hancock	WEIRTON STEEL CORPORATION	00001	091	253
WV	Hancock	WEIRTON STEEL CORPORATION	00001	092	208
WV	Hancock	WEIRTON STEEL CORPORATION	00001	093	200

[65 FR 2727, Jan. 18, 2000, as amended at 66 FR 48576, Sept. 21, 2001]

APPENDIX C TO PART 97—FINAL SECTION 126 RULE: TRADING BUDGET

ST	F126-EGU	F126-NEGU	Total
DC	207	26	233
DE	4,306	232	4,538
IN	7,088	82	7,170
KY	19,654	53	19,707
MD	14,519	1,013	15,532
MI	25,689	2,166	27,855
NC	31,212	2,329	33,541
NJ	9,716	4,838	14,554
NY	16,081	156	16,237
OH	45,432	4,103	49,535
PA	47,224	3,619	50,843
VA	17,091	4,104	21,195
WV	26,859	2,184	29,043
Total	265,078	24,905	289,983

APPENDIX D TO PART 97—FINAL SECTION 126 RULE: STATE COMPLIANCE
SUPPLEMENT POOLS FOR THE SECTION 126 FINAL RULE (TONS)

State	Compliance supplement pool
Delaware	168
District of Columbia	0
Indiana	2,454
Kentucky	7,314
Maryland	3,882
Michigan	9,398
New Jersey	1,550
New York	1,379
North Carolina	10,737
Ohio	22,301
Pennsylvania	15,763
Virginia	5,504
West Virginia	16,709
Total	97,159

PARTS 98–99 [RESERVED]